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ABSTRACT

The report asserts that Massachusetts has failed to comply with the integration mandate of state and federal special education laws. An initial section reviews the importance of integration, noting the effects of stigmatization on children's development. Specific legal requirements are detailed along with responsibilities of the Massachusetts Department of Education. Section 2 presents an analysis of data on integration across the state. The analysis focuses on comparisons of the number of students served in integrated and segregated prototypes over the years and the change in the placement rate for integrated and segregated prototypes. Among findings presented in the analysis are the following: the rate for placing students with disabilities in separate day programs increased 107% from 1974 to 1985; the rate for placing disabled students in the mainstream fulltime fell from 35.3% in 1974 to 8.3% in 1985; and the overall placement rate for the partially integrated programs fell from 60.5% to 52.9% from 1979 to 1984. An even more pronounced trend toward segregation of students with disabilities in Boston is depicted. Section 3 highlights barriers to integration, including the Department of Education's failure to collect and use data to insure integration, failure to inform parents of rights and opportunities for integration, and financial disincentives to integration. Recommendations are offered for data collection, monitoring/enforcement, and technical assistance. (CL)

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OUT OF THE MAINSTREAM

EDUCATION OF DISABLED YOUTH IN MASSACHUSETTS

EC 200590

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OUT OF THE MAINSTREAM

EDUCATION OF DISABLED YOUTH IN MASSACHUSETTS

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A REPORT BY THE MASSACHUSETTS ADVOCACY CENTER

May 1987

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FOREWORD

"Separate but equal." There is not a grain of truth to these words. Yet, this seems to be the policy of the Massachusetts Department of Education in dealing with the thousands of children with disabilities who yearn to be productive, creative and contributing adults in our society.

This report from the Massachusetts Advocacy Center addresses the failure of Massachusetts to fully integrate disabled children into the mainstream of the educational system, more than ten years after implementation of our renowned special education law, Chapter 766. Education in a non-segregated environment is a civil right which is not being fulfilled. The importance of the findings and the conclusions of this report go far beyond the public school system and the administrative structures that have been set up to serve disabled students in the past decade. The failure to provide integrated educational opportunities has harmful ramifications throughout society.

Both Chapter 766 and the federal law (which was in part modelled on the Massachusetts statute), Public Law 94-142, guarantee every disabled child the opportunity to receive an education in the least restrictive environment: disabled students must be educated with their nondisabled peers to the maximum extent appropriate. These laws were enacted because of the need to remedy the education system's segregation of disabled youth. With passage of these laws, the idea that society should care for, isolate, and protect its disabled citizens was giving way to the idea that the greatest good for the disabled, and for society as a whole, lay in the greatest integration possible. This included the educational system.

This report powerfully documents that contrary to the intent of the legislators, students continue to be educated in segregated programs. We must implement the basic entitlement of the laws and provide disabled children with the essential opportunity to be educated with their nondisabled peers in the public schools. In this way we can foster development of the attitudes and skills which prepare disabled students for independent living within the mainstream of society. Furthermore, nondisabled children will grow up without many of the fears and stereotypes about people with disabilities which are perpetuated by segregation. Nondisabled students will be provided the opportunities they need to learn to live with disabled individuals as equal fellow citizens.

This report documents what disability rights activists have been saying all along: that it is not a physical or mental condition that constitutes a handicap, but that society's outdated prejudices and practices constitute the most disabling and limiting factors in a person's development. Of course, there are many children with special needs that require special education services. Yet all too frequently, disabled children are being held back from their full learning potential by an educational system which tells them that because they have a disability, they can not take part in normal activities.

The shortcomings of our educational system that are documented in this report are of great importance; our failure to provide the educational opportunities that are guaranteed in our laws must be redressed as quickly as possible. Yet along with the sometimes shocking deficiencies that are presented in this report, we are given a great deal to be hopeful about. We have "on the books" laws that are enlightened and proper. If the laws we have were only obeyed we could make a great deal of progress in becoming the society we aspire to be. In this state and elsewhere we have examples which prove that students can be integrated. Examples of successful implementation of these laws exist throughout the country -- there are programs, schools, indeed whole communities where 'mainstreaming' of disabled children is working to the advantage of disabled and nondisabled students alike. Integrating disabled students into the regular educational environment can and must be achieved.

Finally, the appropriate integration of disabled children into our schools cannot wait any longer. As shown so dramatically in this report, a generation of children have not been provided the full benefit of the integration mandate guaranteed to them more than a decade ago. There is no way to undo the damage done, the missed opportunities, the growth and experiences these children were entitled to that they did not receive. Before any other children are denied their rights, the recommendations to address the current deficiencies made so clearly in this report must be implemented; they must be implemented now.

Edward M. Kennedy, Jr.
Executive Director
Facing the Challenge

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PHOTO: ROGER GREEN

I.

Introduction

Bobby M.,[1] a six year old boy with microcephaly and a visual impairment, was described by his school as a delightful and engaging child. He was evaluated as being at age level academically, although he demonstrated some delays in his social, language, and motor skill development. Bobby enjoyed playing with the nonhandicapped children in the neighborhood. He and his friends loved to ride bikes, play games, swing, climb, and play make believe. He attended a gymnastics class and summer camp program with his nondisabled friends.

In the fall, the public schools assigned Bobby to a segregated special education classroom. The seven other students in this class had different types of disabilities. One child was completely nonverbal, one child had a physical disability and used a wheelchair, and another child was tied into her seat some of the time due to attention deficit problems. Bobby's neighborhood friends attended the regular kindergarten located next door to the "special" classroom. There was a glass door in the wall which separated the disabled and nondisabled students.

Bobby's parents requested that their son be integrated in the kindergarten part of the day with a special education aide assigned to assist the teacher. The kindergarten teacher welcomed Bobby's participation in her classroom. However, the school special education department denied the request, deciding that Bobby should remain in the segregated classroom. Bobby's neighborhood friends did not understand why he had to stay in the "handicapped room."

Bobby's parents fought for over two years to enforce Bobby's right to pass through the glass door and participate with his nonhandicapped peers. The school system spent thousands of dollars in attorney fees in its attempt to force Bobby to remain in the isolated setting. The parents prevailed in an administrative hearing conducted by the state Department of Education.

The date is November, 1986, twelve years after the "implementation date" of Chapter 766. At long last Bobby is thriving in the regular classroom. He participates in all the activities and tries very hard. He is pleased with himself, and proudly talks about his participation in the kindergarten. The other children readily accept Bobby. When one mother asked her son about what it was like to have Bobby in the kindergarten, her son said in an exasperated tone, "Oh, Mom, it's no big deal!"

Bobby's case illustrates the persistence of practices which segregate disabled youth from regular education programs in Massachusetts. Segregation in the public schools threatens the entitlement of children with disabilities to an equal, appropriate education. When schools fail to educate disabled students in the mainstream as required by law, all children are deprived of the opportunity to participate as equals in society.

More than a decade has passed since the Commonwealth of Massachusetts promised equal educational opportunities for all disabled children. With the passage of Chapter 766 in 1972, Massachusetts was in the vanguard of efforts to improve services for disabled children. This landmark legislation, which served as a national model for the federal Education for All Handicapped Children Act (P.L. 94-142), guaranteed that disabled students receive equal educational opportunities.[2] Specifically, state and federal law embody two key entitlements:

1. Public schools are required to educate *all* children. No longer can school systems bar the doors to children who have disabilities;
2. Schools must integrate disabled students into regular education programs to the maximum degree appropriate. Placement in the least restrictive environment is frequently called "mainstreaming."

Significant improvements have been made in the education system since these laws were enacted. Thousands of children who had been excluded from public education are now receiving educational services. In Massachusetts the number of students participating in special education programs has increased by over 50,000 since the 1974 implementation date of Chapter 766.

When schools fail to educate disabled students in the mainstream as required by law, all children are deprived of the opportunity to participate as equals in society.

However, while more students are receiving services, only half the battle has been won. Too many disabled students are still separated from their nondisabled peers, receiving services in segregated classrooms and segregated schools. An evaluation of the Commonwealth's success in implementing Chapter 766 must consider not only the number of students receiving specialized services, but also the extent to which these services are provided in the least restrictive environment.

This report shows that Massachusetts has failed to comply with the integration mandate of special education laws. Successful mainstreaming can and does exist in this state. Overall, however, data demonstrate that over the last eleven years Massachusetts has made little progress in changing the segregated nature of the special education service delivery system. To the contrary, the rate for placing disabled students in some of the most segregated settings has increased dramatically. Clearly, legislators did not intend to open a new set of school house doors which lead only to segregated programs. Rather, the laws were passed to open the doors which bar disabled children from regular education. Continued segregation violates both the letter and the spirit of the law.

IMPORTANCE OF INTEGRATION

Integrated education is the first, most crucial step toward the ultimate goal of full integration into every aspect of society.

> *I graduated...completely unprepared for the real world. So I just stayed in the house all day, a shut-in believing a job or college was out of the question....Believe me, a segregated environment just will not do as preparation for an integrated life....I can recall how afraid I was of able-bodied people after I graduated.*[3]

Why is integration so important? Why do educators, legislators, disabled individuals, and parents see participation in the mainstream as a critical aspect of education? Integrated education is the first, most crucial step toward the ultimate goal of full integration into every aspect of society. It is a key factor in the provision of equal educational opportunity for disabled youth.[4]

Examination of statistics demonstrates that equal opportunity has not been provided for disabled people in this country. Two thirds of all disabled Americans between ages 16 and 64 are unemployed. No other demographic group of any size has such a high unemployment rate. The poverty rate for disabled citizens is twice the rate for the country as a whole.[5] In Massachusetts, 71% of the families with heads of households who have a disability have incomes below the poverty level.[6]

For the disabled individual, equal opportunity rests, in part, on the provision of integrated educational programs which prepare children to succeed. A recent report on mainstreaming from the federal Department of Education highlights the connection between education and future economic prospects. As the report states, "...data indicate that many special education students are not likely to get jobs when they graduate. In turn, the lives of these young people are more likely to be associated with poverty and isolation."[7] Recent studies report that students with disabilities who attend integrated programs are much more likely to secure and retain employment when they leave school.[8] Placement in integrated programs reduces the stigmatization of persons with disabilities and maximizes a child's development of the skills necessary to live and work independently in the mainstream as an adult.

STIGMATIZATION

When disabled students are excluded from participation with their nondisabled peers, stigmatization is more likely to occur. By separating disabled students from the mainstream, society's traditional negative stereotypes about the capabilities of disabled people are reinforced.[9] The comments of one disabled woman, "Jane," illustrate the impact of segregated education:

> *We were isolated. Symbolically -- and appropriate to the prevailing attitudes -- the "handicapped and retarded" classrooms were tucked away in the corner of the school basement. Our only activity with the other children was the weekly school assembly. We never participated in any school program. We watched. Although the school lunchroom was also in the basement, we ate lunch in our classrooms. During fire drills, we did not leave the building (were we expendable?...). We stood in the hallway outside of our classroom, watching the others file past...looking and being looked at.*
>
> *Summing it up, the only contact we had with the "normal" children was visual. We stared at each other. On those occasions, I can report my own feelings: embarrassment. Given the loud, clear message that was daily being delivered to them, I feel quite confident that I can also report their feelings: YECH! We, the children*

in the "handicapped" class, were internalizing the "yech" message -- plus a couple of others. We were in school because children go to school, but we were outcasts, with no future and no expectation of one. I, for one, certainly never contemplated my future. I could not even picture one, much less dream about it.[10]

"Jane" attended school in the days before Chapter 766. However, many special education classes are still isolated within public school buildings. A 1986 report by the Massachusetts Senate Committee on Post Audit and Oversight found special education classes located in "unfrequented corners and dreary basements" of school buildings.[11] Practices which continue to isolate disabled children simply perpetuate the oppressive stigma attached to disability.

The consensus of recent studies is that the "single most effective way" of combating this stigma is to provide programs which allow for personal interaction between disabled and nondisabled children.[12] Participation in integrated programs fosters positive attitudes of nondisabled students towards students with disabilities.[13] Integrated schools provide nondisabled students with the essential opportunity to learn the attitudes, values, and skills necessary to live in a tolerant, integrated society.[14] These are among the most important lessons to be learned in the public schools.

Moreover, most nondisabled people will encounter disability at some point in their lives,

By separating disabled students from the mainstream, society's traditional negative stereotypes about the capabilities of disabled people are reinforced.

either professionally or personally. Children will be best prepared for the personal and professional relationships that lie ahead if their early social environment includes disabled people. As "Jane" points out:

The nondisabled children are, like myself, now around fifty years old. For the most part, they have arrived and settled in life. Many are in positions of some power in the business, academic or public service world. Most are parents who have imparted their values, comforts and discomforts to their own children. The YECH...and its attendant discomfort...is part of their legacy to their teen-age and young adult offspring. Moreover, it colors their present hiring practices, their goals and practices as educators, social workers and physicians, their legislative attitudes and priorities regarding accessible "public" facilities, such as transportation and buildings, and myriad other things. The "YECH" is a major root of what we call attitudinal barriers to handicapped people joining the world at large.[15]

Implementation of the integration mandate will minimize the fear and prejudice which have served to exclude individuals with disabilities from the mainstream of society.

GROWTH AND DEVELOPMENT

Placement in unduly segregated programs restricts the development of children with disabilities. Segregated education programs are limited in their ability to prepare students to function in an integrated society. As Brown and others state, "Segregation begets segregation....Segregated schools produce graduates who have extremely limited chances of functioning in nonsegregated post-school environments."[16] As a result, many students educated in separate programs find themselves best prepared to function in environments such as sheltered workshops or institutions which continue to segregate and "protect" people with disabilities.

The best way for a disabled student to learn the skills necessary to succeed in the mainstream as an adult is to participate in the mainstream as a child.[17] As one authority on the education of disabled students states:

Students with disabilities can experience the greatest development of social, vocational, academic, and communication skills when they participate in integrated programs. These skills are the key ingredients of independent living.

> *When we create integration programs we open up educational possibilities. How better to teach a student who is blind to get to the cafeteria than to practice with her seeing classmates in the hubbub of the everyday school life? How better for a student with severe retardation to learn when to laugh, how to dress, and how to walk, than to observe his nondisabled peers?*[18]

The benefits of integration are numerous and far reaching. Students with disabilities can experience the greatest development of social, vocational, academic, and communication skills when they participate in integrated programs.[19] These skills are the key ingredients of independent living. Successful integrated programs that result in such benefits exist throughout the country.[20]

Moreover, integration can work for children with every type of disability.[21] Students with disabilities can make as much or more progress on their individual educational goals when they are provided the opportunity to participate with their nondisabled peers.[22] Disabled students have also been shown to make greater mathematics and reading achievement gains when they are educated in the mainstream.[23] Recognizing that participation in the mainstream enhances growth and development, recently developed curricula require integrated placements for students with severe disabilities.[24]

There are many reasons why integrated programs maximize the progress of disabled students. Placement of students in separate special programs often results in teachers lowering their academic and social expectations of the children. This, along with the lower expectations of peers and the students themselves can result in poor achievement.[25]

Integrated programs also provide disabled children with the opportunity to learn by observing, practicing, and modelling the more competent skills of their peers. Modelling is an important aspect of learning for all children, including students with disabilities. In isolated settings, disabled students have limited opportunity to model and learn from peers with more competent skills.[26]

For example, interaction with nondisabled peers is crucial for development of communication skills. It is difficult to make language development gains when many of a student's classmates in a segregated program have similar language deficits. A parent of a child with autism who attends an integrated elementary school class notes:

> *My child can talk. And, that's one reason why he can. It's because of the other children. The typical children kept coming up to him and talking to him and demanding that he talk. They knew how to get an answer from him, and they wouldn't let him get away with a single-syllable response. Now I ask you, what teacher or teachers could do that for my son, much less for a whole class of kids with autism? That's just not realistic.*[27]

In sum, both research and experience provide powerful educational rationale for providing integrated programs. As educational experts report:

> *Since many school districts -- urban, suburban, and rural alike -- have shown that they can serve even the most severely disabled students in regular educational environments (schools) when accompanied by supplementary aids and services, pleas by other districts to continue segregating their disabled students are no longer credible. Thus educational leaders can now speak unequivocally for integration as a consummately possible, as well as morally desirable, goal. The various specific elements of federal and state laws as well as recent court decisions...merely provide the tools by which to buttress the goal.*[28]

SPECIFIC LEGAL REQUIREMENTS

Massachusetts and federal law recognize that equal educational opportunity and integration are inseparable for disabled children. Chapter 766 requires each school committee to "insure that children in need of special education have an equal opportunity to participate in the educational, non-academic, extracurricular and ancillary programs, services and activities that are available to children in regular education programs."[29] To further this goal federal and state law states that disabled children must be educated with their nonhandicapped peers to the maximum extent appropriate to the needs of the individual disabled student.[30]

School systems are specifically required to integrate disabled students for both academic and non-academic activities. Separate sections of the laws and regulations address participation in non-academic and extracurricular activities such as meals, recess, athletics, recreation and special interest groups.[31] As the federal regulations note, requirements for non-academic regular education participation are especially important for children who require placement in segregated settings for much of the day.[32]

The laws are replete with references to integration as the preferred strategy for educating children with disabilities. The law presumes that a disabled child will be served in the regular education setting *unless* the school demonstrates that education cannot be "achieved satisfactorily" in this setting with the use of any necessary "supplementary aids and services."[33] Schools can only separate students from specific regular education activities when they show that even *with* additional services (such as specialized equipment, consultation for regular education teachers, teacher's aides) participation is not appropriate. In other words, legislators have stated, and courts have affirmed, that the preferred practice is to integrate disabled students as much as possible.

Mainstreaming (or integration) does not mean that schools must place all disabled children, regardless of the nature or severity of their disability, in regular classes for the entire school day. Such treatment of disabled students is *not* what the law requires. Rather, the schools must insure that each disabled student participates in academic and nonacademic regular education activities that are "appropriate." For example, it may be appropriate for some disabled students to attend regular classes full time; for others integration for part of the day for only certain activities, such as science and math, or music and recess may be suitable. The amount and type of participation with nondisabled peers is to be determined by the child's parents and educators in an annual meeting.

Massachusetts and federal law recognize that equal educational opportunity and integration are inseparable for disabled children...legislators have stated, and courts have affirmed, that the preferred practice is to integrate disabled students as much as possible.

In addition, Chapter 766 specifically prohibits schools from placing special education programs in isolated settings. The regulations state that public education facilities must "maximize the integration of...[disabled] children into the life of the school and minimize the separation and stigmatization of such children."[34] Clear violations of this requirement include placing all special education programs in one part of a school building or placing a separate class for fifteen year-olds in an elementary school.[35] Furthermore, school buildings must be physically accessible to disabled individuals.[36] No longer can barriers such as steps to a building be used as a reason to exclude disabled children.

RESPONSIBILITIES OF THE MASSACHUSETTS DEPARTMENT OF EDUCATION

The law designates the state Department of Education as the agency legally responsible for insuring that local school systems comply with the integration mandate. Federal law specifically requires the state education agency to insure that each local school system establish and implement procedures which meet the mainstreaming requirements.[38] Both federal and state law include specific mandates requiring the Department of Education to take the steps necessary to obtain compliance with special education laws.

Specifically the Department of Education is required to:

The law designates the state Department of Education as the agency responsible for insuring that local school systems comply with the integration mandate.

1. "Compile data on all available special education programs supported in whole or in part by the Commonwealth."[38] The law further specifies that Department data include information about the number of students served in integrated and segregated programs;[39]
2. "Periodically review and analyze" the data it has collected in order to evaluate special programs in the state;[40]
3. Conduct on-site visits of the school programs serving disabled youth;[41]
4. Make a comparison of a sampling of individualized education programs with the programs actually provided;[42]
5. Take all steps necessary to insure that students are served in accordance with the law, "including but not limited to public hearings and investigations;"[43] and
6. Recommend that the state Board of Education withhold funds from towns which fail to implement the law.[44]

The Massachusetts legislature recognized the importance of the opportunity to participate equally in regular education programs by specifying further action the Department must take to protect against denial of equal educational opportunity on the basis of handicap. Chapter 766 states that the Department must:

> *...investigate into and hold hearings upon prima facie denials of equal educational opportunities by reason of national origin, sex, economic status, race, religion, or physical or mental handicap of school aged children requiring special education... and thereafter issue such declaratory and injunctive orders as may be necessary to cure any actual denials of equal educational opportunities by reason of national origin, sex, economic status, race, religion, and physical or mental handicap of school-aged children requiring special education.*[45] (emphasis added)

Thus the Department is further obligated to determine if the information from data collection and monitoring might even suggest that students in a particular town are denied an equal opportunity to participate in regular education academic, non-academic, or extracurricular activities. This information would constitute evidence of a *prima facie* denial. A *prima facie* denial means that at first sight, the information strongly indicates that schools are failing to provide equal access to the mainstream. When evidence of a *prima facie* denial exists, the Department must investigate further and hold hearings to determine if actual denials are taking place.

Finally, the Department of Education is mandated to provide schools with the technical assistance needed to comply with the law. Specifically, the Department of Education must:

1. "Regulate, consult with and assist school committees in the identification, classification, referral and placement of children requiring special education;"[46]
2. Assist with the development of all special education programs receiving state funds;[47]
3. Develop certification standards for educational personnel employed in special education programs and recommend such standards to the state Board of Education;[48]
4. Assist colleges and universities in developing courses and programs best designed to prepare graduates to educate children with disabilities;[49] and
5. Conduct or contract for research and development projects designed to improve the quality of special education programs.[50]

It is crucial that schools provide disabled students with integrated educational opportunities. Participation in mainstreamed academic and nonacademic activities benefits disabled and nondisabled students alike. The law recognizes that for disabled youth, as for other minorities, separate is not equal. Integration must be the standard practice unless otherwise indicated.

The legislators designated the Massachusetts Department of Education as the agency responsible for insuring implementation of the integration mandate, requiring the Department to undertake extensive monitoring and technical assistance activities. However, the Department has been remiss in fulfilling its legal responsibilities. Over the thirteen years since the implementation date of Chapter 766, segregation in the public school system has increased dramatically. This report analyzes that trend statewide and in Boston. It also describes six of the major barriers to integration, and specifies recommendations for change to be implemented by the state Department of Education.

1. The information about Bobby and other students named in this report is true. All identifying information has been removed to protect the confidentiality of students and that of school personnel.

2. The laws cover children with all types of disabilities, including but not limited to children with orthopedic impairments, mental retardation, deafness, blindness, learning disabilities, emotional disturbance, and autism.

3. Ed Long, "Mainstreamed and Segregated," *Roll Call, Boston Center for Independent Living*, Vol. 4, No. 6 (July-August 1985), p. 4.

4. The issues related to integration for deaf students are distinguished from the issues for students with other disabilities because of the unique communication differences, and in some cases cultural differences of deaf children. The Massachusetts Commission for the Deaf and Hard of Hearing is working to insure that the school systems place and educate deaf students appropriately.

5. Louis Harris and Associates, Inc., "Disabled American's Self Perceptions: Bringing Disabled Americans into the Mainstream. A nationwide survey of 1,000 disabled people," (1986).

6. Office of Handicapped Affairs, Interview with James Gleich, Director.

7. Madeleine Will, Assistant Secretary, Office of Special Education and Rehabilitative Services, *Educating Students with Learning Problems--A Shared Responsibility, A report to the Secretary*, (Washington, D.C., November 1986), p. 4.

8. Douglas Biklen, "In Pursuit of Integration," (draft), citing Wehman et al. 1982; Brown et al. in press; and Wilcox and Bellamy, 1982, p. 20.

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27. Biklen, *Achieving*, p. 10.

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29. 603 C.M.R. sec. 28.00, par. 502.12 (e).

30. 20 U.S.C. sec. 1412 (5); 34 C.F.R. sec. 500-553; 34 C.F.R. sec. 100.34; 603 C.M.R. sec. 28.00, par. 500.0.

31. 34 C.F.R. sec. 300.553; sec. 300.306; 34 C.F.R. sec. 100.34 (b); sec. 100.37 (a)(2); 603 C.M.R. sec. 28.00, par. 502.12(e).

32. Comments to 34 C.F.R. sec. 300.553.

33. Specifically, the law requires that "to the maximum extent appropriate, handicapped children...are educated with children who are not handicapped, and that special classes, separate schools, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily." 20 U.S.C. sec. 1412 (5); see also 603 C.M.R. sec. 28.00, par. 500.0.

34. 603 C.M.R. sec. 28.00, par. 508.2

35. 603 C.M.R. sec. 28.00, par. 508.2(a), (c)

36. 603 C.M.R. sec. 28.00, par. 508.3; 34 C.F.R. sec. 100.21-23; 521 C.M.R. sec. 1.00 et seq., Massachusetts Architectural Barriers Board regulations.

37. 34 C.F.R. sec. 330.550; see also 20 U.S.C. sec. 1412(6) and 34 C.F.R. sec. 300.600 regarding state educational agency responsibility for insuring compliance with the law in all educational programs.

38. M.G.L. c. 15 sec. 1M (4)

39. 34 C.F.R. sec. 300.132(b); sec. 300.126(b)(4); sec. 300.227(b).

40. M.G.L. c. 15 sec. 1M (5)

41. 34 C.F.R. sec. 300.601

42. 34 C.F.R. sec. 300.601

43. M.G.L. c. 15 sec. 1M (19)

44. M.G.L. c. 15 sec. 1M (21)

45. M.G.L. c. 15 sec. 1M (14)

46. M.G.L. c. 15 sec. 1M (1)

47. M.G.L. c. 15 sec. 1M (2)

48. M.G.L. c. 15 sec. 1M (7)

49. M.G.L. c. 15 sec. 1M (8)

50. M.G.L. c. 15 sec. 1M (16)

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II.

Data Analysis

BACKGROUND

The special education laws establish an individualized process for making decisions about placement of students. Every year the educators and parents of each disabled student meet to determine the specific educational services needed by the student.[1] This Team of parents and educators develops an Individualized Educational Plan (IEP). This plan details the student's current levels of educational performance along with a list of long- and short-term educational goals for the year.

Based on identified strengths and needs, the Team is required to specify the type and amount of special education services required by the student, and the extent to which the child will be able to participate in regular education programs. The Team also specifies the criteria for moving the student to the "next less restrictive" (more integrated) setting.[2] The Team meets to review and revise the IEP at least annually, although Team members can ask to review the plan at any time during the year. Recognizing that parents have valuable knowledge of their child's needs, parental approval is necessary for all educational decisions.

Massachusetts is unique in that Chapter 766 regulations establish a system for placing students in what are called "program prototypes." Each student is assigned to a specific numbered prototype. Under the prototype system, a higher prototype program number reflects greater segregation. This report is primarily concerned with students placed in program prototypes 502.1 through 502.6.[3] This prototype system is summarized in Table 1.[4]

Table 1
DESCRIPTION OF PROTOTYPES ADDRESSED IN THIS REPORT

502.1	**Fully integrated program** – full-time placement in the regular education classroom with provision of specialized services.
502.2	**Partially integrated program** – removed from the regular education classroom no more than 25% of the time.
502.3	**Restrictive in-school program** – placement in segregated programs up to 60% of the time.
502.4	**Segregated classroom** – placement in special education classroom all or most of the time.
502.4 & 502.5	**Segregated day school** –placement in segregated public or private day school full-time.
502.6	**Residential school** – placement in residential program full-time.

The law establishes a thoughtful, individualized system which calls for decisions that provide the maximum amount of participation with nondisabled peers. However, the analysis of data shows widespread failure to live up to the promise of the integration mandate of Chapter 766.

METHOD

To explore the extent to which segregation of students with disabilities characterizes special education in the Commonwealth, the Massachusetts Advocacy Center reviewed school census data collected by the Massachusetts Department of Education. The Center examined eleven years of data, from 1974 to 1985, taken from the School System Summary Reports issued by the Department of Education's Bureau of Data Collection and Processing. These reports present statistics for each school system as it exists October 1 of every year. The Center analyzed the reports which present the number of students served in each prototype to examine placement trends over time.[5]

Specifically, the Center used two methods to compare information about placement practices from one time period to the next:

1. First, the Center compared the number of students served in integrated and segregated prototypes over the years, and
2. Second, the Center compared the change in the placement rate for integrated and segregated prototypes. The placement rate is defined as the number of students placed in a particular prototype divided by the total special education population, with the results multiplied by 100. In other words, the rate is the number of students placed in a particular prototype for every 100 students in special education.

Special education laws were passed over a decade ago in response to widespread isolation and exclusion of students with disabilities from regular education programs. If the laws were being implemented, data would indicate that more disabled students were gaining access to the mainstream each year. Thus, at a minimum, data analysis would show yearly increases in the rate students are placed in the more integrated prototypes since passage of the law. Such a trend would indicate that schools have made some progress in removing barriers to the educational mainstream.

Analysis of special education placement practices over the past eleven years reveals several trends which indicate that schools statewide have moved backwards, away from integration.

However, analysis of special education placement practices over the past eleven years reveals several trends which indicate that schools statewide have moved backwards, away from integration. Analysis of statistics show a dramatic increase in the rate of placing students with disabilities in the most segregated public school prototypes, particularly separate special education classrooms. Further, despite the legislative goal of reducing the use of totally segregated schools, data show no decrease in the rate for isolating students in separate day schools. These data constitute convincing evidence that state and local education agencies have violated the letter and spirit of the law. The Department of Education's own statistics suggest the need for action by the Department itself, as well as by local school committees, to investigate the practice of inappropriately segregating disabled students and to move steadily and forcefully towards integrated education.

STATEWIDE DATA

Statistics indicate that both the number of students and the placement rate for segregated day programs increased steadily statewide from 1974 to 1985.

Data collected since the 1974 implementation date of Chapter 766 (1974-1985) illustrate the state's failure to meet the mainstreaming requirements of the law. Statistics indicate that both the number of students and the placement rate for segregated day programs increased steadily statewide from 1974 to 1985. Segregated day programs include both separate classrooms (502.4) and totally separate day schools (502.4i and 502.5). Specifically:

- **20,542 more disabled students were placed in segregated day programs in 1985 than in 1974.** This represents a 243% increase in the number of children with disabilities served in segregated classrooms (502.4) and separate schools (502.4i and 502.5).[6]
- **The rate for placing students with disabilities in separate day programs increased 107% from 1974 to 1985.** The rate for placing students in separate classrooms and day schools rose from 10.5 to 21.7 in eleven years. Thus, in 1985, one out of every five disabled students was placed in a segregated day program.

Table 2 presents the number of students and placement rates for the most restrictive day programs.

From 1974 to 1985 data also show a significant statewide increase in the use of restrictive in-school programs (502.3), where students spend up to 60% of their time in separate programs. Specifically:

- **12,641 more disabled students were placed in programs where they spend up to 60% of their day in segregated classrooms.** This is a 198% increase in the number of children served in this prototype.
- **The placement rate for this prototype rose 82%** (from 7.8 to 14.2) from 1974 to 1985.

These data are presented in Table 3.

Table 2
STUDENTS IN SEGREGATED DAY PROGRAMS STATEWIDE (502.4, 502.4i, 502.5) 1974-1985

YEAR	# STUDENTS	PLACEMENT RATE
1974	8,458	10.5
1975	10,733	10.9
1976	15,752	14.2
1977	18,354	14.7
1978	20,172	15.5
1979	21,800	16.5
1980	24,457	18.0
1981	24,115	18.4
1982	25,681	19.8
1983	26,280	20.3
1984	27,627	21.0
1985	29,000	21.7

Table 3
STUDENTS IN RESTRICTIVE IN-SCHOOL PROGRAMS STATEWIDE (502.3) 1974-1985

YEAR	# STUDENTS	PLACEMENT RATE
1974	6,369	7.8
1975	9,119	9.3
1976	11,322	10.2
1977	13,154	10.6
1978	14,692	11.3
1979	15,165	11.4
1980	16,019	11.8
1981	16,549	12.7
1982	17,283	13.3
1983	18,213	14.0
1984	18,610	14.1
1985	19,010	14.2

Statewide placement in integrated program prototypes from 1974 to 1985 is presented in Table 4.[7] Integrated placements include fully integrated programs (502.1) where students participate in regular education programs 100% of the time, and partially integrated programs (502.2) where students spend up to 25% of their time in special programs. Specifically:

- **The number of students with disabilities served in the most integrated prototype (502.1) decreased dramatically over the time period studied.** 17,569 fewer students remained in the regular education classroom fulltime. This represents a 61% decrease in the number of students placed in the most integrated setting.
- **The rate for placing disabled students in the mainstream fulltime fell from 35.3 in 1974 to 8.3 in 1985.** This is a 77% decrease in the rate for placing students with disabilities in fully integrated settings.
- **After an initial increase, the number of students placed in partially integrated 502.2 programs decreased dramatically.** Overall, 34,741 more students (100% increase) were placed in this prototype where students spend up to 25% of their time outside of the regular class. The placement rate rose from 42.6 to 62.1, and then dropped to 51.9. Although the overall placement rate rose 24% between 1974 and 1977, the rate has been dropping steadily since 1977.

Table 4
STUDENTS IN INTEGRATED PROGRAMS STATEWIDE (502.1, 502.2) 1974-1985

	Fully Integrated Programs (502.1)		Partially Integrated Programs (502.2)	
YEAR	# STUDENTS	PLACEMENT RATE	# STUDENTS	PLACEMENT RATE
1974	28,669	35.3	34,655	42.6
1975	19,092	19.4	56,407	57.2
1976	15,870	14.3	63,637	57.5
1977	11,091	8.9	77,490	62.1
1978	10,251	7.9	80,074	61.7
1979	10,724	8.1	80,423	60.5
1980	10,435	7.7	79,707	58.7
1981	10,680	8.2	74,591	57.0
1982	10,459	8.1	71,906	55.3
1983	10,663	8.2	70,295	54.0
1984	10,969	8.3	69,763	52.9
1985	11,100	8.3	69,396	51.9

Placement of students with disabilities in gregated residential schools (502.6) decreased statewide from 1974 to 1985. Specifically:

- **The rate of placement in the residential schools (502.6) decreased.** The number of students placed in these programs dropped 1,534, a decrease of 69%. The placement rate fell from 2.8 to .5, a decrease of 82%. The small decline in the number of students served in this prototype does not account for the much larger increase in segregated day programs. These data are presented in Table 5.

Table 5
STUDENTS IN SEGREGATED RESIDENTIAL SCHOOLS (502.6) STATEWIDE 1974-1985

YEAR	# STUDENTS	PLACEMENT RATE
1974	2,231	2.8
1975	2,266	2.3
1976	2,193	2.0
1977	2,027	1.6
1978	2,001	1.5
1979	1,835	1.4
1980	1,702	1.3
1981	1,340	1.0
1982	1,028	.8
1983	840	.6
1984	736	.6
1985	697	.5

Data over this eleven-year period reveal the statewide movement toward more, rather than less, segregation. ...The record of the last decade is clear. Chapter 766 contains the guarantee of integration and equality which has not been fulfilled.

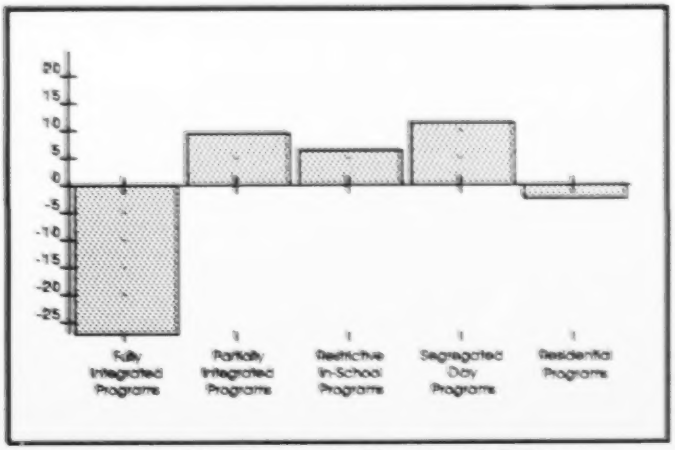

Figure 1: Statewide Change in Placement Rates for Different Settings from 1974-1985

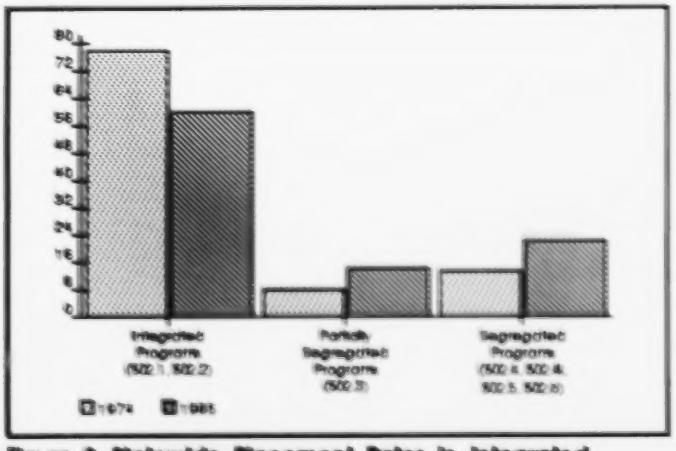

Figure 2: Statewide Placement Rates in Integrated, Partially Segregated, and Segregated Settings in 1974 and 1985

Figure 1 shows the extent to which the rate of placement in fully integrated settings decreased while placement rates in the different segregated programs increased. Data over this eleven- year period reveal the statewide movement toward *more*, rather than less, segregation.

This trend is also apparent in Figure 2, which compares the change in overall placement rates for integrated programs (502.1 and 502.2) with the change in overall placement rates for segregated programs (502.4, 502.4i, 502.5, and 502.6), and partially segregated programs (502.3) over this time period. The record of the last decade is clear. Chapter 766 contains the guarantee of integration and equality which has not been fulfilled.

The increase in segregation is not simply a reflection of an initial increase in the total number of children receiving special education services. During this eleven-year period the total population served by special education increased dramatically. Indeed, 52,297 more students received special education services during this time, representing a 64% increase in the number of students with IEPs enrolled in public education. Table 6 presents this increase.

Table 6
NUMBER OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES STATEWIDE 1974-1985

YEAR	# STUDENTS
1974	81,314
1975	98,566
1976	110,664
1977	124,754
1978	129,745
1979	132,875
1980	135,739
1981	130,787
1982	130,028
1983	130,175
1984	131,864
1985	133,611

Further analysis of the data shows that the trend towards more segregation is not a result of the growth in the special education population.[8] During the six year period from 1979-1984, the number of students served stabilized; in fact, the total special education population actually decreased slightly by 1,011 students. However, a review of data shows that the movement towards segregation continued during these years. Highlights of the analysis of data regarding segregated programs from 1979 to 1984 include:

- **Over one third more disabled students were placed in segregated classrooms during this time period.** 5,781 more students were placed in 502.4 programs in 1984 than in 1979. This is a 37% increase in the rate for assigning students to separate classrooms during a period when the total special education population dropped.
- **The placement rate for separate classrooms rose 39% from 1979 to 1984.** In 1979 the placement rate was 11.7. Five years later the rate was 16.2.
- **Placement of students with disabilities in restrictive in-school programs (502.3) where students spend up to 60% of the time in segregated placements also increased in this time period.** By 1984, 3,445 more students were placed in this prototype than in 1979, representing a 22% increase in the number of students in this prototype. The overall placement rate for this prototype rose 24%, from 11.4 to 14.1.
- **Despite the mandate to reduce segregation, the practice of placing students in totally separate schools continued at the same rate over this six year period.** In 1984, 46 more students were placed in 502.4i and 502.5 programs than in 1979, a slight increase of .7%. The overall placement rate for separate day schools stayed at 4.8. A decrease of 739 students placed in private segregated day schools was offset by an increase of 785 students placed in public segregated day schools.

Tables 7 through 9 present data regarding continued, and in many cases increased use of segregated programs from 1979 to 1984.

Table 7
STUDENTS IN SEGREGATED CLASSROOMS (502.4) STATEWIDE 1979-1984

YEAR	# STUDENTS	PLACEMENT RATE
1979	15,521	11.7
1980	17,105	12.6
1981	17,960	13.7
1982	19,619	15.1
1983	20,103	15.5
1984	21,302	16.2

Table 8
STUDENTS IN RESTRICTIVE IN-SCHOOL PROGRAMS (502.3) STATEWIDE 1979-1984

YEAR	# STUDENTS	PLACEMENT RATE
1979	15,165	11.4
1980	16,019	11.8
1981	16,549	12.7
1982	17,283	13.3
1983	18,213	14.0
1984	18,610	14.1

Table 9
STUDENTS IN SEGREGATED DAY SCHOOLS (502.4i AND 502.5) STATEWIDE 1979-1984

YEAR	# STUDENTS	PLACEMENT RATE
1979	6,279	4.8
1980	7,352	5.4
1981	6,155	4.7
1982	6,062	4.7
1983	6,177	4.8
1984	6,325	4.8

Additional data illustrate the failure of schools to fully utilize integrated programs in this time period. Examination of the statistics suggests that students moved from partially integrated programs (502.2) into segregated settings from 1979 to 1984. For example:

- **Placement of students with disabilities in the more integrated 502.2 programs dropped dramatically from 1979 to 1984.** 10,660 fewer students were placed in these programs in 1984 than in 1979, representing a drop of 13% in the number of students served in this prototype.
- **The overall placement rate for the partially integrated programs fell from 60.5 to 52.9 over this time period.** This decrease occurred simultaneously with the increase in the placement of students in more segregated programs (502.4 and 502.3) discussed above.

Table 10 and Figure 3 present these findings.

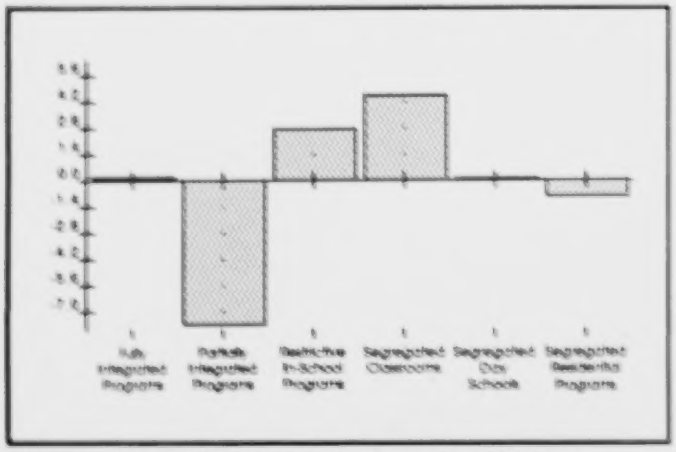

Figure 3: **Statewide Change in Placement Rates for Different Settings from 1979-1984**

As more disabled youth are pushed further and further from the mainstream statewide, Massachusetts increasingly runs the risk of operating a public education system in which special education is synonymous with segregated education.

Finally, data show a substantial decrease in the placement of disabled students in segregated residential schools over this six year period. In 1984, 1,265 fewer students were placed in 502.6 programs than in 1979, representing a 69% decrease in the number of children served in this prototype. The placement rate for this prototype fell from 1.4 to .6. Again, the small number of students no longer served in this setting does not account for the large increase in other segregated programs discussed above. Table 11 presents these findings.

Table 10
STUDENTS IN PARTIALLY INTEGRATED PROGRAMS (502.2) STATEWIDE 1979-1984

YEAR	# STUDENTS	PLACEMENT RATE
1979	80,423	60.5
1980	79,707	58.7
1981	74,591	57.0
1982	71,908	55.3
1983	70,295	54.0
1984	69,763	52.9

Table 11
STUDENTS IN SEGREGATED RESIDENTIAL SCHOOLS (502.6) STATEWIDE 1979-1984

YEAR	# STUDENTS	PLACEMENT RATE
1979	1,835	1.4
1980	1,702	1.3
1981	1,340	1.0
1982	1,028	.8
1983	840	.6
1984	736	.6

This analysis shows that increased segregation is not a reflection of the increase in the total number of students served. In fact, the data indicate that if the rate of change between 1979 and 1984 continues in Massachusetts, by the early 2000's the number of disabled children placed in segregated settings will *exceed* the number served in integrated programs.[9] Chapter 766 has been in place for thirteen years. If the current trend continues for another thirteen years, the majority of disabled students will be served in segregated programs. This projection is illustrated in Figure 4.

As more disabled youth are pushed further and further from the mainstream statewide, Massachusetts increasingly runs the risk of operating a public education system in which special education is synonymous with segregated education. Such a picture falls far short of the mandate for integrated educational services provided in state and federal laws.

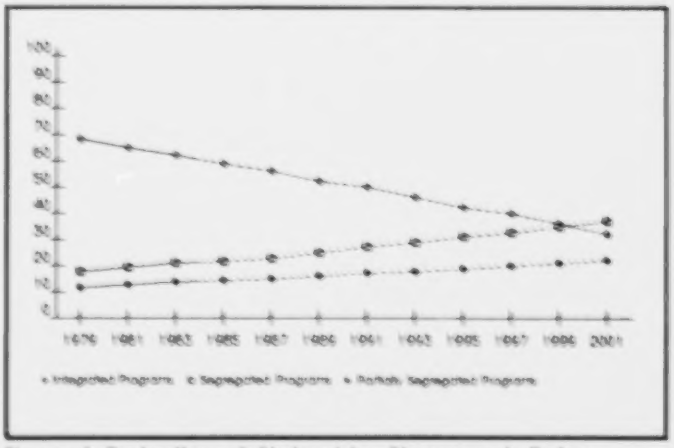

Figure 4: **Projection of Statewide Placement Rates Based on 1979 and 1984 Rates**

SEGREGATION CUTS ACROSS RACIAL AND LINGUISTIC LINES

In 1978, the Massachusetts Advocacy Center reported that minority students receiving special education services were not being integrated into regular classrooms to the same degree as white students. The Center called this practice "double jeopardy."[10] The Center's review of data for this report indicates that the problem of segregation in special education cuts across racial lines. While the "double jeopardy" problem persists, public schools are placing increasing numbers of both white and minority disabled students in separate programs.

Department of Education statistics confirm that although disproportionate placement of racial and linguistic minorities continues, the failure to implement the mainstreaming requirement of the law strongly affects all children. Data on placement in segregated classrooms (502.4) from 1980 through 1985 highlight this finding. During this period, the rate for placing disabled white students in separate classrooms increased by 30%, from 11.7 to 15.2. The rate for placing disabled minority students in segregated classrooms is still disproportionately higher than the rate for white students, as it rose from 19.2 to 26.0. However, the 35% increase in the rate for assigning these students to more segregated settings was close to the 30% rate increase for white students. Clearly, higher numbers of both white and minority students with disabilities are being excluded from the mainstream.

Statistics also show that the rate for placing disabled English-speaking students in segregated classrooms (502.4) rose by 32% from 1980-85, while the rate for disabled non-English speaking students rose by 20%. Non-English speaking children receiving special education continue to be segregated at a higher rate (26.9 in 1985) than English-speaking students (16.1 in 1985). Yet analysis shows that English-speaking students with disabilities are also being pushed further from the mainstream.

Tables 12 and 13 present these findings.

Table 12
STATEWIDE RATE FOR PLACING STUDENTS IN SEGREGATED CLASSROOMS BY RACE AND LANGUAGE (502.4) 1980-1985

YEAR	PLACEMENT RATE			
	MINORITY STUDENTS	WHITE STUDENTS	NON-ENGLISH SPEAKING STUDENTS	ENGLISH SPEAKING STUDENTS
1980	19.2	11.7	22.4	12.2
1981	19.9	12.8	23.9	13.2
1982	22.6	13.9	24.1	14.6
1983	23.0	14.2	24.2	15.0
1984	23.9	14.8	27.2	15.6
1985	26.0	15.2	26.9	16.1

Table 13
STATEWIDE INCREASE IN RATE FOR PLACING STUDENTS IN SEGREGATED CLASSROOMS (502.4) 1980-1985

YEAR	INCREASE IN PLACEMENT RATE			
	MINORITY STUDENTS	WHITE STUDENTS	NON-ENGLISH SPEAKING STUDENTS	ENGLISH SPEAKING STUDENTS
1980-1985	35%	30%	20%	32%

BOSTON

The trend toward segregation of students with disabilities is even more pronounced in Boston. In 1985, the rate for placing Boston disabled students in segregated programs was almost twice as high as the statewide rate.[11] Forty percent of students receiving special education in Boston are placed in segregated settings; the majority of disabled students are educated in either segregated or partially segregated programs. Not only are the placement rates for the more segregated prototypes higher in Boston than statewide, but the rates are increasing more rapidly than in the rest of the state.[12]

A comparison of placement rates for Boston and all other Massachusetts school systems shows that in 1985 placement rates for segregated programs were significantly higher in Boston than in the rest of the state. For example:

- **Students with disabilities in Boston are placed in segregated classrooms (502.4) at a rate which is almost twice as high as the rate for all other Massachusetts school systems.** Boston's rate for placement in the 502.4 prototype was 28.0 in 1985, which is 78% higher than the rate of 15.7 for the rest of the state.
- **Boston students receiving special education are nearly three times more likely to be served in totally segregated day schools than students in the rest of the state.** The 1985 Boston rate for placement in 502.4i and 502.5 day schools is 11.8, compared to the rate of 4.2 for all other Massachusetts school systems. The Boston placement rate is 181% higher than the rate for all other cities and towns.

The trend toward segregation of students with disabilities is evn more pronounced in Boston. In 1985, the rate for placing Boston disabled students in segregated programs was almost twice as high as the statewide rate.

- **Boston students with disabilities are also placed in restrictive in-school programs (502.3) at a rate 49% higher than the rate for the rest of the Commonwealth.** The Boston rate for placement in 502.3 programs, where students spend up to 60% of their time in separate programs, is 20.2, compared to the statewide rate of 13.6.
- **Totally and partially integrated programs are much less available to Boston children than to students in the rest of the state.** Boston places students with disabilities in the partially integrated 502.2 programs at a rate of 31.4, compared to the state rate of 54.0. Thus, Boston's rate is 58% lower than the rate for all other school systems. Boston's placement rate into full time regular education (502.1) of 6.1 is also lower than the statewide rate of 8.5.

These findings are presented in Table 14.

Table 14
PLACEMENT RATES BY SETTING FOR BOSTON AND ALL OTHER MASSACHUSETTS SCHOOL SYSTEMS IN 1985

	BOSTON	ALL OTHER
Segregated Classrooms (502.4)	28.0	15.7
Segregated Day Schools (502.4i, 502.5)	11.8	4.2
Restrictive In-School Programs (502.3)	20.2	13.6
Totally Integrated Programs (502.1)	6.1	8.5
Partially Integrated Programs (502.2)	31.4	54.0

Not only are the placement rates for the more segregated prototypes higher in Boston than statewide, but the rates are increasing more rapidly than in the rest of the state.

Examination of statistics from 1981-1985 shows that Boston's rate for segregating disabled students is not only greater, but it is also rising faster than the rate statewide.[13] From 1981 through 1985, the total enrollment in Boston's special education programs decreased by 339 students, a drop of 2.8%. Therefore, it is clear that the increase in segregation is not due to an influx of students into the special education system. Specifically:

- **Boston's rate for placing disabled students in segregated classrooms rose significantly faster than the statewide rate.** The Boston placement rate for the 502.4 prototype rose 30% (from 21.6 to 28.0), while the rate rose 23% statewide (from 13.7 to 16.8) over the same time period. In Boston, 696 more students were placed in 502.4 programs in 1985 than in 1981. This represents a 26% increase in the number of students with disabilities placed in segregated classrooms.

Table 15
BOSTON AND STATEWIDE CHANGE IN RATE FOR PLACING STUDENTS IN DIFFERENT SETTINGS 1981-1985

	BOSTON	STATEWIDE
Segregated Classrooms (502.4)	+30%	+23%
Segregated Day Schools (502.4i, 502.5)	+21%	constant (+4%)
Partially Integrated Programs (502.2)	-21.1%	-9%
Totally Integrated Programs (502.1)	-23%	constant (+1%)

- **The increase in the rate for placement of disabled students in completely segregated day schools was higher in Boston than statewide.** The overall placement rate for separate day schools in Boston rose 21% (from 9.2 to 11.8), while the rate stayed constant statewide (increase of 4%), ranging from 4.7 to 4.9.[14] An additional 275 students in Boston were placed in 502.4i and 502.5 programs from 1981 to 1985. This represents a 24% increase in the number of disabled students placed in segregated day schools.
- **Between 1981 and 1985 Boston's rate for placing disabled students in the most integrated settings dropped more steeply than the statewide rate.** In Boston, 1,146 fewer disabled students, representing a 23% decrease, were placed in the 502.2 programs where they spend at least three quarters of their time in regular classes. The Boston placement rate for this prototype fell twice as fast as the statewide rate. The Boston rate fell 21% (from 39.8 to 31.4) while the statewide rate fell 9% (from 57.0 to 51.9). Similarly, in Boston 246 fewer disabled students were educated in 502.1 programs, where they attend regular classrooms fulltime. This represents a 25% decrease over this six-year period. Boston's placement rate for fully mainstreamed programs fell 23% (from 7.9 to 6.1) compared with the statewide rate which remained constant.

Table 15 compares the change in prototype placement rates for Boston and the entire state. Tables 16 - 19 show an increase in placement of students in segregated prototypes and a corresponding decrease in placement rates for the least restrictive settings. Table 20 shows the relative stability in placement rates of students in residential schools. Finally, figure 5 summarizes these Boston findings.

Table 16
BOSTON STUDENTS IN SEGREGATED CLASSROOMS (502.4) 1981-1985

YEAR	# STUDENTS	PLACEMENT RATE
1981	2,657	21.6
1982	3,100	25.2
1983	2,855	24.1
1984	3,142	26.1
1985	3,353	28.0

Table 17
BOSTON STUDENTS IN SEGREGATED DAY SCHOOLS (502.4i AND 502.5) 1981-86

YEAR	# STUDENTS	PLACEMENT RATE
1981	1,134	9.2
1982	1,023	8.3
1983	1,318	11.1
1984	1,340	11.1
1985	1,409	11.8

Table 18
BOSTON STUDENTS IN PARTIALLY INTEGRATED PROGRAMS (502.2) 1981-1985

YEAR	# STUDENTS	PLACEMENT RATE
1981	4,907	39.8
1982	4,435	36.1
1983	4,219	35.6
1984	4,022	33.4
1985	3,761	31.4

Table 19
BOSTON STUDENTS IN TOTALLY INTEGRATED PROGRAMS (502.1) 1981-1985

YEAR	# STUDENTS	PLACEMENT RATE
1981	978	7.9
1982	963	7.8
1983	836	7.1
1984	819	6.8
1985	732	6.1

Table 20
BOSTON STUDENTS IN SEGREGATED RESIDENTIAL SCHOOLS (502.6) 1981-1985

YEAR	# STUDENTS	PLACEMENT RATE
1981	69	.6
1982	54	.4
1983	51	.4
1984	44	.4
1985	55	.5

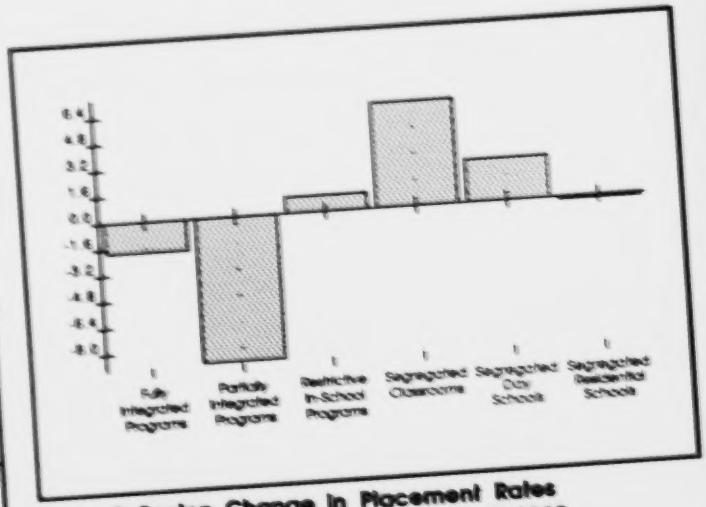

Figure 5: **Boston Change in Placement Rates for Different Settings from 1981-1985**

Department of Education data indicate that the use of segregated special education programs has increased. These findings indicate that disabled students in Boston face even greater risk of segregation from their nondisabled peers than students statewide. The time has come for regular school programs to make the accommodations necessary to serve all children.

1. A student fourteen years or older is also invited to attend the annual meeting.

2. 603 C.M.R. sec. 28.00, par. 322.0; 32 C.F.R. sec. 300.346.

3. Chapter 766 establishes four other program prototypes which are not considered in this report due to inadequacies of the data collected by the Department of Education. These prototypes are: home and hospital placements (502.7), preschool placements for three- and four-year olds (502.8), diagnostic programs (502.9), and programs for children in state-operated residential facilities (502.10).

The home and hospital prototype is not analyzed because the Department's data do not distinguish between short-term (up to sixty days) and long-term placements. Nor does this report analyze placement in 502.8 programs, because the Department of Education did not collect data regarding placement within the integrated, segregated, and home-based preschool settings until school year 1986-87. The diagnostic program prototype is a short term placement (no more than eight weeks) used for further evaluation of a student. Finally, the 502.10 prototype for children in state facilities was only recently established, in September 1986. Consequently, the Department has not collected any data for this new program prototype.

4. The following is a description of the prototypes considered in this report:

502.1 *Regular education program with modifications*
A 502.1 program prototype is the most integrated setting. Students placed in this prototype remain in the regular education classroom 100% of the time. The regular education teacher receives the support services and training necessary to conduct the disabled child's educational program within the classroom. In addition, the disabled student is to receive necessary developmental, corrective, and other support services within this setting.

502.2 *Regular education program with no more than 25% time out*
Students placed in this program prototype remain in the regular educational program for at least three quarters of the time. They are removed from the regular class to receive necessary developmental, corrective, and other support services. For example, a disabled student may be "pulled out" of the regular class to receive speech therapy and to receive small group instruction from a special education teacher in a resource room.

502.3 *Regular education program with no more than 60% out*
Students placed in this program prototype are placed in segregated special programs up to 62% of the time. They receive more of their special services outside of the regular classroom than the students in the less restrictive prototypes. Depending on their program, these students may spend more of their time in separate settings than in the regular classroom.

502.4 *Segregated classroom*
502.4 designates a segregated special education program. Students placed in this program prototype attend special classrooms entirely composed of disabled children. These segregated classrooms are located within regular education public school buildings. Many students remain in the separate setting full time. Some of the students in a 502.4 prototype may be integrated for certain regular education programs up to 40% of the time.

502.4i *and* 502.5 *Segregated day schools*
Students placed in both of these program prototypes attend segregated schools. They are not integrated into regular education programs while they attend these programs. Prototypes 502.4i and 502.5 both represent programs that are separated from the mainstream. While the 502.4i program is a segregated school operated by school committees or collaboratives, the 502.5 prototype designates a private separate school. Chapter 766 regulations allow the 502.4i separate day schools to include up to thirty percent nondisabled students. In practice, however, 502.4i programs generally consist of totally segregated facilities.

502.6 *Segregated residential school program*
502.6 designates a segregated private residential school. Children placed in these facilities are not integrated into any regular education activities. They go to school and live exclusively with other disabled children.

5. These reports include: Table 5A, All Special Education Students, Chapter 766 Prototype by Race; Table 5B, All Special Education Students, Chapter 766 Prototype by Students whose First Language is not English; and Table 5C, All Special Education Students-Age by Sex Chapter 766 prototype.

6. Data for segregated classrooms and day schools are analyzed together since the Department of Education did not separate information regarding placement in public day schools from 1974-78. In 1978, Chapter 766 regulations established the 502.4i prototype, public segregated day schools. Although school committees placed students in these settings before this date, no data were collected until the practice was acknowledged with the establishment of the new prototype.

7. The 1974 and 1975 data are somewhat problematic, given Department difficulties with the collection of statistics during these first years of implementation of Chapter 766. In addition, during this time, some new students entering the special education system who had previously been totally excluded or inappropriately educated by public schools may have been placed in integrated prototypes without real accommodations to their needs.

8. In fact, it is possible that many of the newly identified students entering the special education system may be children with less severe disabilities, requiring less restrictive settings. The Senate Committee on Post Audit and Oversight presented this hypothesis, noting that the inadequacy of the data of the Department of Education made it impossible to determine whether such speculation was correct.

9. Segregated settings include separate classrooms (502.4), separate day schools (502.4i, 502.5), and separate residential schools (502.6).

10. Massachusetts Advocacy Center, *Double Jeopardy: The Plight of Minority Students in Special Education*, (1978).

11. Segregated programs include separate classrooms (502.4), segregated day schools (502.4i, 502.5), and segregated residential schools (502.6).

12. The statewide placement trends discussed in the previous section cannot be attributed to the segregation of disabled students in Boston. Although Boston is the largest school system in the Commonwealth, an analysis of statewide placement practices without Boston data results in the same statewide findings.

13. It is necessary to analyze the data over this four-year period because the Department of Education did not report Boston data separating placement in segregated classrooms (502.4) and public segregated schools (502.4i) until 1981.

14. The Boston increase in the segregated day school placement rate represents an increase in both private (502.5) and public (502.4i) separate schools. Statewide, there was a decrease in the rate for placing students in private segregated day schools which was offset by a slightly greater increase in the rate for public segregated day schools.

CLOBE STAFF PHOTO/TED DULY

III.

Barriers to Integration

The data paint a picture that is simple, clear, and alarming: Disabled youth in Massachusetts have been pushed further from the educational mainstream. Chapter 766, as implemented over time, has not fostered integration of disabled and nondisabled children in the public schools. In reality, Chapter 766 has been misused to create more separation in the education system, in direct contravention of the law. Recognizing this reality is the first step toward reversing this disturbing trend.

In order to identify some of the barriers to implementation of the integration mandate, the Center conducted surveys of parents of children with disabilities and local special education directors. The surveys focused on separate classrooms (502.4), since the largest increase in segregation occurred in this prototype. Questionnaires for parents of children in separate classrooms were sent to all local special education Parent Advisory Committees (PACs) identified by the Department of Education (DOE), and to the Council for Children Chapter 766 Committees.[1] We asked these groups to help distribute the survey to parents in their community.[2] In addition, special education directors from twenty-three towns were surveyed over the telephone.[3]

Based on these surveys, discussions with Department of Education staff and other special education professionals, and extensive experience representing students with disabilities, the Center identified six major barriers to mainstreaming in Massachusetts. These barriers include:

1. **Department of Education failure to collect and use data to insure integration;**
2. **Failure to inform parents of rights and opportunities for integration;**
3. **Inadequate teacher training;**
4. **Failure to employ individuals with disabilities within the education system;**
5. **Inaccessible and isolated programs and facilities; and**
6. **Financial disincentives to integration.**

1. DEPARTMENT OF EDUCATION FAILURE TO COLLECT AND USE DATA TO INSURE INTEGRATION

The Department of Education has extensive responsibilities for collecting data to use in monitoring and enforcing the integration mandate.[4] Yet, despite the legal requirement to do so, the Department has failed to collect data essential to insure that students are educated in the least restrictive environment. Furthermore, the Department has not made full use of the data that currently exists. This leaves the Department without a statistical picture of mainstreaming in Massachusetts and without the information needed for state officials to take action.

Failure to collect and use data to monitor placement in the least restrictive environment has many consequences, highlighted below.

FAILURE TO INSURE MAXIMUM INTEGRATION OF STUDENTS WITH ALL TYPES AND SEVERITIES OF DISABILITIES

The law requires that students with all types and severities of disabilities be allowed to participate with nondisabled peers. Despite this requirement, 62% of the special education administrators surveyed indicated that the amount of mainstreaming is directly related to a student's kind of disability.

An appropriate analysis of the data would discern trends in segregation which are based on a student's type of disability. However, since the Department of Education does not gather statistics regarding a student's type of disability, state officials cannot determine which students are excluded from regular education. This leaves both state and local educators without the information necessary to develop the most effective remedial plans.

It is critical to know whether the segregation problem affects students with certain kinds of disabilities more than others, as the type of accommodations and technical assistance required to insure mainstreaming might vary according to disability type. For example, physical accessibility might be a major barrier for children with orthopedic impairments, the lack of appropriate textbooks and materials might bar children with learning disabilities, while lack of interpreters might preclude integration of deaf children.

The accommodations and support services needed to integrate an individual student can and should be addressed in the annual Individual Educational Plan (IEP) meeting. At the same time, if statistics suggest school practices which systematically exclude a certain group of students, school officials must address such practices. For example, Department data regarding students' disability types would reveal the policy of one school system which automatically places all students with multiple disabilities in segregated classrooms. Data also would enable the Department to develop and monitor remedial steps for schools to take in serving the group of children affected by this policy, which is illegal. It is not feasible for individual parents and students to change such segregationist policies and practices by themselves.

The need to collect information about a student's disability type should not be confused with "labelling." Massachusetts was considered very progressive because of its policy which prohibits categorization of students according to their type of disability. In other words, all children with mental retardation are not provided with a particular program based on the label of mental retardation. Rather, the need for services is based on each child's needs and abilities. This goal underlies the requirements of both federal and state law.[5] Collecting data about disability types is not only consistent with this goal, it is essential to monitor implementation of these laws. The method for collecting disability data must build in protections which insure that school systems cannot misuse the information to revert back to a categorical service delivery system. Data about disability should be used to monitor and eliminate discrimination on the basis of handicap, in the same way organizations are required to collect and report data about minority participants and employees to monitor discrimination on the basis of race.

The Massachusetts Senate Committee on Post Audit and Oversight emphasized that the lack of information about characteristics and needs of disabled students limits the state's ability to evaluate special education programs.[6] Currently, every disabled student's disability is already described and written in his or her IEP. By failing to collect this information about students' disability types the Department of Education has made it impossible to monitor adequately the implementation of the law. No mechanism exists to determine if students with more stigmatizing or severe disabilities are provided equal opportunities.

FAILURE TO INTEGRATE STUDENTS PLACED IN SEGREGATED CLASSROOMS

Statistics discussed in this report suggest that a large number of students with disabilities have moved from the partially integrated (502.2) programs to segregated classrooms (502.4). Many students in the separate classrooms spend all of their time isolated from their nondisabled peers. Others can spend up to 40% of their time in regular education programs. The Department of Education does not monitor the degree to which students placed in 502.4 classrooms are allowed to participate with their nondisabled peers. The Department has not taken the first step of collecting integration data for students in this prototype. This is of particular concern given the large increase in the rate for placing disabled students in these separate programs.

The majority of parents surveyed by the Center said they believe that their children (who are placed in separate classrooms) require more time in the mainstream. Over one third of the parents surveyed (40%) indicated that their children spent all of their time in the segregated program. These children did not participate with their nondisabled peers in the same building. Approximately two-thirds of these parents (65%) felt that their children should spend some time in regular education programs.

The special education administrators said that they thought many of the children in their 502.4 classrooms were integrated to some degree. This perception is in contrast with the large number of parents who reported that their children were segregated the entire day.[7] Most revealing, however, is the fact that the vast majority of administrators did not have specific data about the number of students who spend time in regular education, and for which activities and the amount of time they do so. The failure to gather this information reflects a lack of urgency concerning the integration of students in separate classrooms.[8]

FAILURE TO ANALYZE AND USE EXISTING DATA TO INSURE INTEGRATION

The Department has not analyzed and used existing data to identify individual school systems where students are segregated, to investigate practices leading to isolation, or to develop and enforce plans for reversing the trend.

Although the Department of Education has gathered some of the necessary data, it has not used this information to insure implementation of the law. In spite of statistics which present *prima facie* evidence of segregation, the Department has failed to respond by conducting investigations and holding hearings, as required by law. To our knowledge, the Department does not even analyze or use the integration data when it monitors special education programs in local school systems or when it annually reviews a town's plan for the provision of special education.

In order to receive state and federal funds, a school committee must annually provide a program plan demonstrating that special education services will be provided in compliance with the law. Although each town is required to provide a specific "plan for providing the least restrictive alternative," the Senate Post Audit and Oversight Report found that the state does not require or use information "which in the short or long run is helpful in determining if good faith effort is being made to place children in the least restrictive setting."[9] The Department has not analyzed and used existing data to identify individual school systems where students are segregated, to investigate practices leading to isolation, or to develop and enforce plans for reversing the trend. Indeed, the Department is typically unaware of gaps in its own files. For example, Boston's prototype placement data are missing from several years of the Department of Education's reports.[10] Even though Boston is the largest school system in the Commonwealth, Department staff were unaware of the data's absence.

2. FAILURE TO INFORM PARENTS OF RIGHTS AND OPPORTUNITIES FOR INTEGRATION

Many parents have not been informed that the law entitles children to receive required services *along with* the opportunity for mainstreaming. Frequently, parents believe they must choose between an integrated program without appropriate special services and a segregated special education program with a package of services. Too often, schools present parents with an untenable and illegal choice: their child can have either the specialized services he or she needs *or* integration. Consequently, many parents believe they cannot have both. They frequently accept the IEP Team's recommendation for an unduly restrictive program because they are not aware of their right to more integrated alternatives with equivalent services.

The findings of the Senate Committee on Post Audit and Oversight report emphasized that parents lack knowledge of many of their rights. The Committee found that when parents accept the IEP, this acceptance does not always reflect their satisfaction with the proposed program. Rather, many parents accept simply "because they do not know their rights, are not cognizant of their child's program, and/or do not feel they have the capability to make judgments about educational programming."[11] When parents are not informed of their rights and options, they frequently respond by "abdicating their decision making to the school," and simply accept the Team recommendations for placement.[12]

Parents surveyed by the Center confirmed this finding. More than half of the parents said that they were not informed of their child's right to placement in the least restrictive environment. The majority of these same parents said they think their child should spend more time with nondisabled peers in school and wanted more mainstreaming than the school offered in the signed IEP.

Many parents have not been informed that the law entitles children to receive required services *along with* the opportunity for mainstreaming... They frequently accept the IEP Team's recommendations for an unduly restrictive program because they are not aware of their right to more integrated alternatives with equivalent services.

FAILURE TO INFORM PARENTS OF REQUIREMENTS TO PROVIDE SERVICES WITHIN REGULAR EDUCATION CLASSROOM

Many parents answering the survey were not aware that when necessary, school officials must make accommodations for disabled students in regular classrooms. These parents felt strongly that their children should be integrated for part of the day, yet at the same time they were afraid that the school system would simply place their children in regular classes without planning or providing needed support services. The concerns of parents surveyed are evident from the following comments:

Students are "pushed" into regular classes without all the necessary backup services.

In public schools the child must fit into the mainstream rather than the mainstream being adjusted to the child.

It is a constant struggle to get the school system to mainstream a child appropriately.

Parents, as well as special education administrators surveyed, indicated that in many cases students are not segregated because of the child's learning problems. Rather, in contravention of the law, children are served in separate settings because of the many problems inherent in the current regular education system: large class size, inadequate teacher training, attitudinal barriers, and lack of resources. Unfortunately, many parents have not been informed that in these instances remediation efforts need to focus on the regular classroom, not the student.

Frequently, schools fail to inform parents that regular education programs are legally obligated to accommodate the different learning needs of all students, including students with disabilities. Indeed, the law requires special education departments to provide the staff, materials, equipment, and consultation necessary to insure maximum participation in the mainstream. A recent report issued by the federal Department of Education further emphasizes this requirement, stating that the practice of segregating students with disabilities is "driven by a conceptual fallacy: that poor performance in learning can be understood solely in terms of deficiencies in the student rather than deficiencies in the learning environment."[13] The report goes on to underscore the need for the regular classroom to adapt to the needs of students with learning problems.[14] Parents, however, are not always aware of the school's obligation to serve their child's needs in the mainstream, so they frequently do not press for a fully or partially integrated program.

PARENT PARTICIPATION IN IEP MEETINGS

The parent/educator IEP Team annually determines whether to provide supplementary aids and services within the regular classroom. It also decides the amount of time a student will spend away from the mainstream. Yet parents can do little to insure appropriate integration at the Team meeting if they are not informed of their rights.

When parents are unable to assert their child's rights to an integrated education at the IEP meeting, students may receive services, but at the cost of unnecessary separation from their peers. For example:

> *Sam, a four and a half year old boy with a physical disability, has above average intelligence and uses a walker. Sam attended a regular school program, but his mother was required to accompany him at all times to provide the physical assistance needed. At his IEP meeting, the Team recognized Sam's need for assistance but ignored the need for mainstreaming, recommending placement in a totally segregated classroom.*

Fortunately, Sam's parents were informed of their rights, and were able to mobilize advocacy resources to help them negotiate with their school system. After considerable effort, Sam is now attending a regular education program and receiving the assistance needed. However, many parents do not know they can object to such unnecessarily segregated programs, nor do many have access to resources to assist them in contesting a segregated placement.

Several parents surveyed were concerned that IEP Teams did not recommend placement options which allow a proper balance between time spent with disabled and nondisabled peers. This was a particular concern for a few parents with adolescent children. Often parents were not informed that schools must provide placement options which allow for the amount of integration that is appropriate to a child's individual needs. Implementation of the integration mandate does not preclude spending time with disabled peers when appropriate.

Massachusetts Department of Education policy and practice have made it more difficult for parents, as well as other Team members, to address mainstreaming adequately. State regulations did not require IEP Teams to address participation in regular education programs until September, 1986. Previously, the standard IEP forms prepared by the Department of Education and used by local schools did not specify a space for the IEP Team to delineate integrated activities. Consequently, although parents and educators met every year, mainstreaming was often addressed by IEP Teams in an inconsistent and haphazard manner.

During the recent review of Chapter 766 regulations, the Massachusetts Advocacy Center and other advocates urged the Department of Education to remedy this problem. Parents and advocates recommended that the Department amend the regulations to specify that IEP Teams must address integration and comply with federal law. Initially, the Department rejected this proposal. The Department did not endorse this amendment until advocacy groups met with the Assistant Commissioner of Special Education and testified to the United States Department of Education regarding this omission. The Massachusetts Board of Education did adopt this amendment, which became effective in September, 1986. Yet it took more than ten years to make this simple change required by law which assists parents and local educators in addressing mainstreaming opportunities for all students.

The Massachusetts Department of Education has reported that parents in over ninety per cent of the administrative appeals of IEP Team decisions seek more segregated placements. This statistic reflects the difficult action parents must take when the local school fails to provide services which will make effective mainstreaming possible. For example:

Lisa is an eight year old girl with a language processing disability. She enjoys participating with nondisabled children in the neighborhood, and her interaction with nondisabled peers facilitates her language development. Lisa's parents fought for three years to have her receive the services she needs in the regular school. The parents wanted Lisa to be mainstreamed for music, art, gym, and reading, while receiving necessary special education services.

Lisa is a nonverbal child, and she requires the use of a computer to develop language skills. After Lisa made little progress for several years, a computer was placed in the special classroom. Lisa's parents paid for a consultant to instruct the teacher how to use the computer so that their daughter could remain in the public school. For one year the computer remained in the special classroom, unused. Finally, when it became obvious the school would not serve Lisa adequately, her parents were forced to advocate through the appeals process for a costly segregated private school placement. Lisa could receive the specialized computer services she needs in the private school. Her parents were forced to make the choice between provision of services and integration, even though services could have been provided in the public school setting.

Lisa is currently receiving the specialized services she needs in this completely segregated private school, more than an hour's bus ride from her home. Lisa's parents, like parents of many other disabled students, ultimately fought for a segregated program because the school failed to provide any less restrictive alternative.

3. INADEQUATE TEACHER TRAINING

The majority of parents and special education administrators surveyed by the Center said that attitudes of both regular and special educators were a major obstacle to integration.

Some initial resistance to integration stems from the concerns and attitudes of some educators. The majority of parents and special education administrators surveyed by the Center said that attitudes of both regular and special educators were a major obstacle to integration.

The majority of the parents (61%) said that in their experience most regular educators do not have a positive opinion about mainstreaming. Such negative attitudes were viewed as a primary barrier to successful mainstreaming. Special education directors also cited the attitudes and resistance of regular educators as a major obstacle to integration.[15]

The concern regarding teachers in regular education programs is not surprising, particularly in light of the fear that educating disabled students with their peers will be a "burden" for regular education teachers, who are frequently already teaching in overcrowded, understaffed classrooms. Overtaxing an already stressed educational system clearly does not benefit either disabled or nondisabled students. Yet, if schools comply with the special education laws, no regular class will be "unduly burdened" by meeting the needs of disabled students.

The concerns regarding regular education stem in part from ignorance about the actual needs of disabled children and experience with schools placing disabled students into regular classes without providing necessary services or assistance for the teachers. This "dumping" is an example of violating, rather than implementing, the law.

When school systems comply with the law, special education staff and resources can be used to help all students learn within the regular classroom, rather than expending the same or greater resources in separate programs. This not only insures equal educational opportunity for students with disabilities, but it improves the quality of the mainstream for all students. For example, in Bobby's case described in the Introduction, a teacher's aide was provided to facilitate Bobby's integration in the kindergarten. This aide spent time teaching not only Bobby, but also the nondisabled students. The presence of the aide reduced the student:staff ratio in the kindergarten from 20:1 to 10:1. This was a benefit for all students. As in this case, special education dollars can be used within regular education programs to improve the educational opportunities for all students.

Unfortunately, special educators themselves are seen as resistant and uninformed about mainstreaming. Forty percent of the parents surveyed by the Center reported that in their experience most special educators were not supportive of mainstreaming. Special education administrators confirmed that the attitude and resistance of special education teachers were obstacles to integration. One director noted that many special education teachers "continue to believe [they] can do the best rather than help regular education teachers." Regular educators will not have the chance to mainstream if special educators resist.

Massachusetts teacher certification requirements are not adequate to prepare teachers to work in mainstreamed settings. Teachers who obtain a regular education teacher certificate are not required to have any experience working with disabled students in a mainstreamed setting. The requirement for special education course work is also minimal. Similarly, teachers certified to teach students with severe special needs are not required to have experience in an integrated setting. As a result, many teachers in the public schools today are ill prepared to mainstream the Commonwealth's disabled youth.[16]

Few directors and parents surveyed by the Center were aware of existing model integrated programs.[17] The Senate Post Audit and Oversight Report addressed the need to identify regular education program characteristics which encourage integration to enhance mainstreaming.[18] Although the Department of Education identifies model programs throughout Massachusetts in a publication called *Promising Practices*, mainstreamed programs were included only once, in 1980. This omission illustrates the Department's failure to encourage educators to integrate students with disabilities in this state.

Inadequate teacher training and inservice training perpetuate the segregation of disabled students in the public schools. 38% of the special education administrators said that reforms are needed in teacher training to reverse the increase in the rate for placing students in segregated classrooms. The Senate Report, along with many of the directors participating in the survey, emphasized the need to provide and improve the quality of inservice training for existing regular and special education teachers.

Regular teachers can be effective in serving disabled students in their classrooms when they receive the support they need. Two directors of special education surveyed by the Center discussed effective systems they used to insure that special education teachers work directly with regular education teachers. Almost all of the special education administrators stressed the need for special educators to provide support and assistance to regular teachers. This is consistent with the United States Department of Education's recommendations which also emphasize the need to "form a partnership between regular education and the special programs...[to blend] the intrinsic strengths of both systems."[19]

When school systems comply with the law, special education staff and resources can be used to help all students learn within the regular classroom, rather than expending the same or greater resources in separate programs.

4. FAILURE TO EMPLOY INDIVIDUALS WITH DISABILITIES WITHIN THE EDUCATION SYSTEM.

State and federal laws specifically prohibit employment discrimination on the basis of handicap.[20] Moreover, the Education for All Handicapped Children Act places an affirmative duty on state and local education agencies to employ and consult with disabled individuals. Specifically, all education programs must "make positive efforts to employ and advance in employment" individuals with disabilities.[21] Local and state education agencies are also required to consult with disabled individuals in developing and implementing programs for disabled students.[22]

Legislators mandated public school systems to employ individuals with disabilities, recognizing that implementation of the integration mandate requires participation in all stages by disabled adults who have directly experienced the barriers to access in school and society at large. Disabled students may never be fully integrated as long as the schools are run almost exclusively by non-disabled employees.

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Disabled staff can work strongly for reform from within the school system. Further, disabled employees will help to reduce attitudinal barriers to mainstreaming by dispelling myths and stereotypes about people with disabilities. As Biklen (1985) states:

> *Disabled adults can play a significant part in making mainstreaming happen. The disabled teacher's experiences of growing up disabled can make him or her an effective and credible counselor as well as a resource to students and staff. The importance of the disabled staff member as a role model should not be underestimated. How can students with disabilities work toward a future if they do not have people in their immediate environment to whom they can look as illustrative of what is possible?*
>
> *Typical students and teachers learn lessons, too, that people with disabilities function well in society, that they can fill positions of responsibility, that the nondisabled person need not be fearful, that you can overcome any discomfort you may have in being around disabled people, and that people with disabilities have an important place in schools.*[23]

Despite the importance of including disabled adults in the public schools, less than 10% of the parents surveyed knew of disabled employees in their child's school. Only nine disabled employees were identified by the thirteen special education directors participating in this part of the survey. Approximately half of the directors said they did not know if their school system hired any employees with disabilities. It is obvious that these school systems pay little heed to the requirement to take affirmative steps to hire disabled staff.

Moreover, the Massachusetts Department of Education has done little to comply with the law and has offered little leadership on this issue. If the Department has made efforts to insure employment of disabled individuals in the local schools, these attempts are not widely known. In addition, the State Advisory Commission on Special Education (SAC) has no disabled members, despite the fact that federal and state law specifically require that the SAC include a disabled member.[24] The SAC advises the Department of Education and reports to the State Board of Education.[25] Furthermore, the Department of Education itself employs only one person with a disability.[26]

Both legal mandates and good educational practice require the Massachusetts Department of Education to take affirmative steps to include more adults with disabilities in the schools. The failure to integrate disabled students in the Commonwealth is a result, in part, of the failure to integrate disabled staff at all levels of the education system, including teachers, administrators, support staff, agency staff, and local and state advisory board members.

5. INACCESSIBLE AND ISOLATED EDUCATIONAL FACILITIES

State and local education agencies are required to make school programs accessible to students with disabilities. Despite this requirement, physical barriers in the schools remain a predominant issue for many disabled people. Inaccessible school buildings preclude participation in the mainstream. Lack of physical access also serves to bar disabled teachers, parents, and staff.

Physical barriers in the schools remain a predominant issue for many disabled people. Inaccessible school buidlings preclude participation in the mainstream. Lack of physical access also serves to bar disabled teachers, parents, and staff.

The inaccessibility of public school buildings continues to be a major problem in Massachusetts. Six of the nine children identified as using wheelchairs in the Center's parent survey attend class in inaccessible schools. The survey shows that while schools may provide access to a particular segregated classroom, in some cases the rest of the school remains inaccessible. Thirty percent of the accessible classrooms identified in this survey are located in inaccessible schools. As a result, students with physical disabilities can be essentially locked into their "special" classrooms.

Confirming the findings from the parent survey, three quarters of the special education administrators admitted that at least some of their special education classes are located in schools which are inaccessible to wheelchairs. Towns continue to place classes designed to serve disabled children in inaccessible buildings.[27] Federal funds are currently available for public schools through the Removal of Architectual Barriers to the Handicapped Program. The Department has the responsibility to perform the outreach and planning efforts necessary to make full use of these funds. The Department's Division of Special Education also has the authority to review local applications for school building assistance to insure accessibility.

The majority of parents participating in the survey said that their children's special education classrooms were isolated from the school's regular education programs. This finding is consistent with the Senate Report which stated that some special education classes were located in "unfrequented corners and dreary basements" of school buildings.[28] These practices are in direct violation of Chapter 766; it is illegal to place all special education facilities together in one part of a school building.[29] This violation maximizes the separation and stigmatization of children with disabilities.

INAPPROPRIATE USE OF COLLABORATIVES

The manner in which school systems use collaboratives can contribute to the isolation of students with disabilities. Chapter 766 regulations state that two or more local school committees may make an agreement to serve disabled students through a collaborative.[30] Usually this means that a separate administrative agency, called the "collaborative," is formed to run segregated classrooms (502.4) and segregated schools (502.4i) for students from participating towns.

A collaborative agreement is subject to the approval of the Department of Education.[31] According to the Department, 242 out of 326 school districts in the Commonwealth are members of collaboratives.[32] Students served through collaboratives are supposed to have the same rights as students served in their own school system, including the right to be educated in the least restrictive environment.

As noted in the Senate Committee on Post Audit and Oversight report, the Department of Education does not keep data on the number of children educated in the separate programs run by collaboratives.[33,34] This information is crucial, since collaboratives as they are currently used can result in inappropriate and illegal isolation of students. Operation of a public segregated school (502.4i) requires approval by the Department of Education.[35] The Department must refuse a request for approval when lack of available space in the public schools is the reason for operation of the separate facility.[36] However, in a conference conducted by the Office of Handicapped Affairs and a meeting with Commissioner Raynolds, Russell Latham, President of the Association of Special Education Directors, stated that in some cases collaboratives are placing students in totally segregated schools simply because classroom space is unavailable on regular school campuses.

The collaborative must request classroom space from the participating towns. In many cases, school committees do not make space for a segregated (502.4) classroom serving students from other towns a priority. It is the experience of parents and advocates that frequently the collaborative program is given the leftover available space, which changes from year to year. Thus a special education class for 16-18 year olds may be located in the basement of a high school one year, the campus of an elementary school the next year, and denied any space the next. Such temporary placements make integration with nondisabled peers difficult at best.

When the Department of Education approves these separate facilities, all possibility of integration is eliminated, not for educational reasons, as the law requires, but for administrative convenience, which the law forbids. Disabled students are barred from the public schools, affording preferential treatment to nondisabled students. Such second class treatment directly contravenes the letter and spirit of the law.

Forty percent of the special education directors said that all or most of the students served by collaboratives in segregated classrooms did not spend any time with nonhandicapped children in the *same* building. Even more alarming is the fact that 35% of the directors did not even know if their students attending collaboratives were mainstreamed to any degree. It is clear that for many school systems once a student is placed "out of sight," mainstreaming is truly "out of mind."

The majority (72%) of the special education directors indicated that they would prefer to develop their own programs for the students currently educated in outside collaborative placements. The advantages cited for doing so included: serving students in their own community; allowing students to develop friendships with local peers; reducing travel time and cost; and reducing stigmatization. Lack of classroom space and the low prevalence of students with certain disability types were the major reasons cited for placing students outside the system in collaboratives.

School committees may benefit from working in cooperation or collaboration with one another. The majority of the special education administrators surveyed said that collaboratives were used for students with less prevalent disabilities. Running a joint program for students with more rare types of disabilities may be appropriate, as long as these students are educated appropriately, in compliance with the law.

While it may be beneficial for towns to work together to provide special education services, it is clear that the benefits of collaboration can be obtained without establishing a *separate school system* for disabled youth. The Department of Education cannot allow towns to abrogate their responsibility by placing students in the segregated collaborative system. Our study indicates that collaboratives have been used to further isolate and ostracize disabled youth in Massachusetts. The Department has not taken even the first step of identifying the number of students served in this manner.

6. FINANCIAL DISINCENTIVES TO INTEGRATION

Integration is cost effective. Participation in regular education programs does not require greater expenditures. In fact, in many cases, provision of mainstreamed programs systemwide has resulted in significant financial savings.[37] Since this is the case, why are school systems reluctant to provide integrated programs?

Integration is cost effective. Participation in regular education programs does not require greater expenditures. In fact, in many cases, provision of mainstreamed programs systemwide has resulted in significant financial savings.

To answer this question, it is necessary to examine the Commonwealth's system for financing education to determine if it is structured in a way which discourages mainstreaming. The Center's preliminary analysis of this issue revealed that the Department of Education has failed to adequately consider whether several aspects of the finance system discourage integration. Moreover, the Department has not acted proactively to consider ways to build in financial incentives which encourage mainstreaming. The Center identified short-term cost and administrative concerns which discourage integration, as well as specific aspects of the state aid formula which serve as barriers to mainstreaming.

SHORT-TERM COST AND ADMINISTRATIVE CONCERNS WHICH DISCOURAGE INTEGRATION

Although integration is cost effective, it is possible a town may not see the savings that result from mainstreaming until the schools are integrated on a system-wide basis. When school systems integrate only a few individual students, the size and scope of segregated programs will not be reduced, and the cost-effectiveness may not be apparent in the short-term. In addition, although mainstreaming may ultimately reduce expenditures for special programs, it may be threatening to the existing structure of a local special education department as resources are used to serve disabled students in regular classrooms. Fear of reductions in special education budget, staff, and administrative control can act as a barrier to mainstreaming.

For example, once a town establishes a special classroom, there is a strong incentive to perpetuate its existence by referring more students to the program. The program's continued existence is necessary to avoid teacher lay offs and cuts in the overall special education budget. Further, in the short run, it may be financially expedient to place as many students as possible in the restrictive classroom.

In many cases, additional students do not increase the cost of running the program. State regulations allow eight students to be placed in a class with one teacher, and twelve students in a class with a teacher and an aide. Thus if a school system has a class with six students, two new students can be served in this isolated setting at no extra cost. Further four more students could be served in the same segregated classroom for the cost of an aide, approximately $7,477, or $1,869 per pupil.[38] Thus, once segregated classrooms are established it may be less costly in the short-run to refer more students to these programs.

The use of educational collaboratives also has financial implications which affect integration. Many towns believe it is financially advantageous to send students outside the system to collaborative programs. Yet according to the Senate Committee on Post Audit report, insufficient data exist to support this claim. In addition, the report noted that transportation for students placed in collaboratives can cost as much if not more than tuition.[39] It is difficult to examine the fiscal implications of these outside placements because the Department of Education does not require and collect information about collaborative agreements which establish a town's payment rate.[40]

ASPECTS OF STATE AID FORMULA WHICH DISCOURAGE INTEGRATION

Several aspects of the formula for state aid established in Chapter 70 provide further disincentives to mainstream students with disabilities.[41] The number of students in each kind of education program (including regular, transitional bilingual, and special education) is used to calculate the amount of a town's state aid. The formula used recognizes that special education programs are more costly than regular education programs. Hence, the state aid formula attempts to insure that schools with greater numbers of students in special education programs receive more aid by using a system of pupil weights. The weight for a regular education student is 1.0 full time equivalent (FTE) and the weight for any special education student is 4.0 FTE. The pupil weight and the amount of time in special education programs are used to determine the number of full time equivalent special education pupils in a system. The total number of FTE weighted students is then used in determining the amount of state aid.

It is the FTE determination which discourages integration. The FTE of a student who is mainstreamed is significantly lower than the FTE of the student who remains in the special classroom all day.[42] The state aid formula thus rewards school systems for isolating students in the segregated classroom 100% of the time. For example, the FTE of a student who is integrated the maximum 40% of the day is 2.8, calculated as follows:

> (40% of the day x 1.0 [weight of regular education student]) + (60% of the day x 4.0 [weight of special education student]) = 2.8 FTE.

The FTE of a student who is never mainstreamed is 4.0, calculated as follows:

> (0% of the day x 1.0 [weight of regular education student]) + (100% of the day x 4.0 [weight of special education student]) = 4.0 FTE.

Thus, a class of eight students who are completely segregated represents 32 FTE (8 x 4.0 FTE/student) in the state aid formula, compared to 22.4 FTE (8 x 2.8 FTE/student) for a class where students are integrated part of the day.

Similarly, it can be financially advantageous to segregate disabled students placed in special education classrooms operated by collaboratives. Many collaboratives operate by charging a school system a specific rate, regardless of how much time a student is mainstreamed. Thus, if a student is integrated, the cost for the sending school remains constant. At the same time, the weighted FTE used to calculate state aid for the sending school drops when a student is mainstreamed.

The state's new system for funding students in private residential schools also provides a clear incentive for placement in these most restrictive programs. The state pays for 60% of the cost of residential schools, which are not only the most expensive but also the most restrictive prototypes. Commencing with the 1986-1987 school year, the state pays its 60% share of costs directly to the private school. Thus the town pays only for the remaining 40% of the tuition. Furthermore, unlike all other educational state aid a town receives, the state's payment of its 60% share directly to the private school serves to "earmark" the funds for the local special education department.

With this formula it can be financially advantageous for towns to serve students in private residential programs rather than in less restrictive private day schools (502.5). The statewide average tuition costs for a private residential placement are $23,457, and for a private day placement, $10,622.[43] Based on these costs, a town can saves $1,239 in tuition costs by placing a student in the more restrictive residential program, calculated as follows:

> Town payment for private residential school program = 40% of $23,457 = $9,383
>
> Town payment for day school program = 100% of $10,622 = $10,622
>
> $10,622 (Town's cost of day school) - $9,383 (Town's cost of residential school) = $1,239 savings.

In this example, the town will save over a thousand dollars in tuition by placing a student in the restrictive residential program.[44] The town will actually incur even greater savings by avoiding the daily transportation costs required for a student attending a day program. The statewide annual average transportation costs for a student attending a private residential school are $695, compared to $1,798 for a student attending a private day school.[45] Based on these costs, a town saves an additional $1,103 by placing a child in the more segregated residential program, calculated as follows:

> $1798 (Town's transportation costs for student attending private day school) - $695 (Town's transportation costs for student attending residential school) = $1103.

In sum, on the average a school committee can save $2,342 by educating a student in the most restrictive, residential school prototype. This accounts for savings in tuition and transportation costs.[46]

Existing data demonstrate the Commonwealth's failure to serve students with disabilities within the regular education mainstream. The six barriers to integration account, in part, for the statewide trend toward segregation. In the final chapter which follows, the Center recommends specific action the Massachusetts Department of Education can take to reverse this trend.

1. The Center contacted each regional office of the state Department of Education and asked for a list of Parent Advisory Committees (PACs). The Federation for Children with Special Needs provided information about additional PACs. Most of the PACs identified were in the Eastern part of the state.

2. Each PAC and Council for Children Committee determined whether and how to distribute the questionnaire to its membership. 132 surveys were returned to the Center, of which 14 were not used because the students identified were not placed in 502.4 programs.

3. The Center contacted the special education directors in 35 communities, and 23 of them were willing to participate. The Center attempted to obtain a representative sampling of communities in the Commonwealth. The sample was limited, however, to those special education directors known to the Center and willing to participate.

4. See Introduction.

5. There is still quite a way to go to fully implement this policy.Eighty-three percent of the special education administrators surveyed were able to identify separate classrooms by the type of disability served. In fact, one special educator differentiated between "TMR" (trainable mentally retarded) and "EMR" (educable mentally retarded) classrooms, a clear example of labelling.

6. Senate Committee on Post Audit and Oversight, pp. 37, 93, 95

7. Parents and special education directors participating in the survey were not necessarily from the same communities.

8. Other data necessary for the Department of Education to collect is addressed in the section discussing collaboratives.

9. Senate Committee on Post Audit and Oversight, p. 162.

10. Boston data from 1976, parts of 1978, 1979, and 1980 are missing.

11. Senate Committee on Post Audit and Oversight, p. 152.

12. Senate Committee on Post Audit and Oversight, p. 148.

13. Will, p. 10.

14. Will, pp. 11-19.

15. The Senate Committee on Post Audit and Oversight report found that overall, special education teachers felt regular education teachers were supportive of special education programs. However, it was frequently mentioned that the teacher reductions caused by Proposition 2-1/2 left the older teachers who were "more entrenched in their ways and less willing to work with special needs students." (Senate Committee on Post Audit and Oversight, p. 142.)

16. At the date of writing, the Early Childhood State Advisory Council, along with the Department of Education, has drafted new certification requirements for regular education early childhood teachers. This draft does an excellent job of addressing the needs of disabled students.

17. Eighty-seven percent of the special education administrators were unable to identify model integrated programs outside their school system.

18. Senate Committee on Post Audit and Oversight, p. 145.

19. Will, p. 12.

20. 29 U.S.C. sec. 794; 34 C.F.R. sec. 100.11-100.14; M.G.L. c. 151B *et seq.*

21. 29 U.S.C. sec. 1405

22. 34 CFR sec. 300.651, sec. 300.137; 603 C.M.R. sec. 28.00, par. 607.2.

23. Biklen, *Achievement*, p. 44.

24. 34 C.F.R. sec. 300.651; 603 C.M.R. sec. 28.00, par. 607.2.

25. As a result of comments from the Center and other advocacy organizations, the amended Chapter 766 regulations now require that the Regional Advisory Councils include members with disabilities. This should help to improve representation of disabled citizens in the Commonwealth.

26. State Office of Affirmative Action, *1986 Annual Report of the State Office of Affirmative Action*, Publication #14536-3000-8-86-CR.

27. The survey did not even address accessibility of school buildings which do not contain segregated classrooms.

28. Senate Committee on Post Audit and Oversight, p. 122.

29. 603 C.M.R. sec. 28.00, par. 508.2(c)

30. 603 C.M.R. sec. 28.00, par. 201.1(b), 201.2

31. M.G.L. c. 40 sec. 4E.

32. Commonwealth of Massachusetts Department of Education, *Status of Educational Collaboratives*, July 1983, p. 27.

33. Senate Committee on Post Audit and Oversight, p. 70.

34. Each school committee counts children sent to collaboratives within its town's total special education population. The Department has said they do not have any way of tracking the data in order to know how many students are served by collaboratives, and in which settings. The Department recently indicated that some data will be collected from those collaboratives choosing to participate in state programs funded by Chapter 188, The Education Reform Bill.

35. 502.4i segregated schools can also be operated by a single school committee. The majority of these schools, though, are run by collaboratives.

36. 603 C.M.R. sec. 28.00, par. 502.4(i)(ii)

37. Wang et al., pp. 35-39; J.S. Kakalik, W.S. Furry, M.A. Thomas, M.F. Carney, *The Cost of Special Education, Summary of Study Findings*, (Prepared for the U.S. Department of Education, Santa Monica, Ca.: Rand, 1981); Daniel D. Sage and Leonard C. Burrelo, *Policy Management in Special Education*, (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1986); Brown et al., p. 19.

38. Department of Education End of Year Report, Fiscal Year 1986.

39. Senate Committee on Post Audit and Oversight, p. 73.

40. Apparently the Department of Education will soon collect this information in accordance with Chapter 631.

41. The effect of the state aid formula will depend on whether school administrators are aware of how it is used to calculate state aid, and whether the legislature in fact uses the formula required by Chapter 70.

42. This assumes that the disabled student does not receive special education services in the mainstream.

43. Bureau of Data Collection and Processing, 1984-85 Per Pupil Expenditure Special Education Programs.

44. The FTE determination for the student in these two settings will not affect the savings calculated, because the FTE for students in both private residential and day schools is 4.0.

45. Bureau of Data Collection and Processing , 1984-85 Per Pupil Expenditure Special Education Programs.

46. Towns do receive state aid for a portion of their transportation costs. However, the aid goes to the town, not the school committee.

PHOTO: LOIS ELIAS

IV.

Recommendations

Federal and state law make clear that monitoring and enforcing compliance with special education law is the Department of Education's job.

Chapter 766 contains a hope for equality through the promise of mainstreaming. However, the data indicate that the Commonwealth has done little to fulfill this promise. Disabled children are now placed in segregated programs more frequently than they were ten years ago.

Integration is the overriding goal of Chapter 766. The Department of Education itself reiterated this goal in a 1986 publication, stating:

> *When Chapter 766 was signed into law ... it encouraged special educators to develop remedial, compensatory strategies for the education of their disabled students. It directed the school systems of Massachusetts to help handicapped students prepare for active roles in the world. This was to be accomplished mainly by a process known as "mainstreaming," bringing students with handicaps into regular school classrooms so they could share everyday school life rather than being segregated in special classes during all school hours.* [1] *(emphasis added)*

Yet despite agreement on the mandate of Chapter 766, a disabled child is almost two times more likely to be placed in a segregated classroom today than in 1974, thirteen years ago. By taking a large step backwards, the state is stifling the development of disabled youth.

The data raise many questions which demand explanations. First and foremost: Why has the Department of Education failed to make attempts to remediate this problem? The problem is not that mainstreaming cannot work. Substantial research has shown that integration is the preferred strategy for educating students with disabilities, and model programs exist to demonstrate that mainstreaming is a practical and effective strategy for educating disabled students. Integration enhances the development of both disabled and nondisabled students; moreover, it is cost effective.

In spite of the benefits of integration, schools in Massachusetts are not doing what is necessary to allow mainstreaming to work and to provide integrated educational opportunities for disabled youth. Moreover, along with local school systems, the State Department of Education itself is in noncompliance: the ultimate responsibility for insuring that disabled students are integrated rests with the Department. Federal and state law make clear that monitoring and enforcing compliance with special education law is the Department of Education's job.

The data present a *prima facie* case of noncompliance with the integration mandate. Despite this evidence, the Department of Education has failed to investigate the problem, even though it is legally required to do so. The Department is mandated to establish an effective system to detect noncompliance and achieve enforcement. This report has shown that the Department's data collection, monitoring, technical assistance, and enforcement activities are clearly insufficient to perform its mandated functions. By ignoring the most fundamental issue of integration, the Department has left it to individual parents and advocates to address the problem. Yet a parent acting on behalf of an individual student can do very little to change the pervasive exclusionary, discriminatory practices of a school system.

The Center recommends that the Department of Education act immediately to fulfill its legal obligation to protect the rights of disabled children. The Center's specific recommendations for Department action fall into three areas: Data collection, monitoring/enforcement, and technical assistance.

DATA COLLECTION

The Center recommends that the Department of Education improve its system for data collection so that it has the information essential to monitor compliance and develop remedial plans in cases of noncompliance. This recommendation is supported by the findings of the Senate Committee on Post Audit and Oversight report. Specifically:

1. The Department of Education must collect information about the types of disabilities of children receiving special education services in the different program prototypes.

2. The Department of Education must determine the number of students served in collaboratives.

3. The Department of Education must gather data about the amount of time students in separate classrooms (502.4) spend in regular education programs.

4. The Department of Education must develop a system for tracking the movement of students into more and less restrictive prototypes and for documenting the number of students who leave special education completely.

MONITORING/ENFORCEMENT

The Center recommends that the Department develop a system for monitoring and enforcing compliance on the local level. Specifically:

1. The Department of Education must immediately develop and implement a comprehensive system for using and analyzing its data to identity both school systems which are segregating an increasing number of disabled students and those which have have failed to reduce the segregation of disabled students.

2. Data indicating that a school system is placing students in restrictive prototypes at a higher rate or has not reduced the rate for placing students in segregated programs must be recognized as *prima facie* evidence of noncompliance. This evidence then must trigger in-depth investigation and compliance monitoring by the Department of Education. The Department should create integration monitoring teams, composed of outside integration experts, parents, disabled students, disabled adults, and educators. Each team should conduct an on-site review, utilizing a monitoring instrument developed specifically to determine whether schools have taken all steps necessary to include students within the mainstream. The team should make written findings and specify required corrective action and timelines. If the local school systems fail to comply with the corrective action, the Department of Education must utilize all available enforcement mechanisms, including proceeding to court and withholding funds.

3. The Department of Education must use prototype placement data as an integral part of its existing monitoring process.

4. The Department of Education must improve its process for reviewing the annual program plans submitted by school committees. The Department must insure that plans are not approved unless they provide a specific plan for serving students in the least restrictive environment.

5. The Department of Education must use its authority to disapprove collaborative agreements which fail to insure placement of all students in the least restrictive environment.

6. The Department of Education must improve its process for approving the operation of public segregated schools (502.4i) to insure that separate facilities are not used simply due to lack of space in the regular schools. The Department must require school committees and collaboratives to provide compelling programmatic rationale for the existence of these segregated sites.

7. The Department of Education must enforce compliance with the physical accessibility requirements of the law. The Department should use its authority to insure that all applications for school building assistance provide access, and it should develop a plan to fully utilize the funds available through the federal Department of Education's Removal of Architectural Barriers to the Handicapped Program. The Department should also insure that local schools comply with the requirement to conduct a self-evaluation of compliance.[2]

8. The Department of Education should act immediately to employ and appoint individuals with disabilities within education agencies. Specifically the Department should:

a. Appoint a disabled individual to the special education State Advisory Commission (SAC), as required by law;

b. Take the affirmative steps necessary to employ disabled staff in the Department; and

c. Monitor and enforce the obligation to hire disabled employees in local school systems.

9. The Department of Education should take whatever measures are necessary to insure that all IEP Teams begin to address the degree to which each disabled student participates in regular education.

10. The Department of Education, along with the state Board of Education, should develop clear policy statements, goals and timelines to comply with the mandate to educate all students in the least restrictive environment.

TECHNICAL ASSISTANCE

The Center recommends that the Department of Education develop a comprehensive system for providing technical assistance about integration to local school systems. The Department should develop and coordinate resources for schools working to remediate the segregation problem. Specifically:

1. The Department should identify and develop model integrated programs within this state.

2. The Department should develop and provide a group of integration experts who will assist local schools in developing systemic remedies at both the policy and IEP level.[3]

3. The Department should develop a written manual which will direct and assist local schools addressing the segregation problem.

4. The Department should develop mechanisms whereby existing special education staff provide needed consultation to regular education teachers.

5. The Department should work to amend teacher certification requirements to insure that both regular and special education teachers receive the training necessary to serve students in integrated programs.

6. The Department must provide education and training which will inform parents of their child's right to an integrated education, with appropriate specialized services.

7. The Department should conduct a study to determine the administrative and financial disincentives to integration, developing specific recommendations as a result of this study. For example, the Department must address the current system for providing state aid for residential school placements. The financial incentive to place students in these most restrictive settings should be offset with a commitment to provide financial support for less restrictive programs developed by local schools. An incentive program could be modelled after the successful federal program which provides financial support to schools developing less restrictive programs for students in state-operated residential facilities.[4, 5]

1. Massachusetts Department of Education, *Special Education, Pioneer in Education Progress for more than a decade. The annual report of the Division of Special Education, Massachusetts Department of Education,* June 1986, pp. 10-11.

2. 34 C.F.R. sec. 100.6(c)

3. One valuable resource already available exists in a local organization, the Integration Resource Project, which recently received a federal grant to provide technical assistance for local schools working to integrate students with severe disabilities.

4. P.L. 89-313

5. State incentive grants are already available, though not fully utilized, through Fiscal Year 1987 budget line item 7028-0101.